
SECOND SUBSTITUTE HOUSE BILL 1357

State of Washington 61st Legislature 2010 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Pettigrew, Dickerson, Orwall, Walsh, Moeller, Kenney, and Wood)

READ FIRST TIME 01/27/10.

1 AN ACT Relating to protecting consumers by assuring persons using
2 the title of social worker have graduated with a degree in social work
3 from an educational program accredited by the council on social work
4 education; amending RCW 10.77.010, 13.34.260, 26.09.191, 26.10.160,
5 28A.170.080, 70.96A.037, 70.96B.010, 70.97.010, 70.126.020, 70.127.010,
6 71.32.020, 71.34.020, 74.34.020, and 74.42.010; reenacting and amending
7 RCW 71.05.020; adding a new chapter to Title 18 RCW; and providing an
8 effective date.

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

10 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

11 (a) The practice of social work by persons in the public and
12 private sectors improves the lives of many people throughout the state
13 through the application of a broad spectrum of social sciences to
14 enhance the quality of life and develop the full potential of each
15 client;

16 (b) The practice of social work is a complex discipline that,
17 appropriately undertaken, can address client problems, needs, and
18 concerns, with the goal that clients achieve the maximum possible

1 enhancement of their quality of life and develop to their full
2 potential. However, improper assessment of client problems and needs
3 by unqualified persons can lead to client harm;

4 (c) It is in the state's interest to take steps to safeguard state
5 residents from misrepresentations about qualifications for practicing
6 social work. Because such misrepresentations could lead to the
7 improper practice of social work by unqualified persons, those who
8 represent themselves as social workers should have a qualifying degree
9 from an accredited and approved social work program.

10 (2) The legislature declares that this act to regulate social
11 workers constitutes an exercise of the state's police power to protect
12 and promote the health, safety, and welfare of the residents of the
13 state in general. Accordingly, while this act is intended to protect
14 the public generally, it does not create a duty owed by the state or
15 its instrumentalities to any individual or entity.

16 NEW SECTION. **Sec. 2.** (1) To address the goal of safeguarding
17 Washington residents from the unqualified or improper practice of
18 social work, a person may not represent himself or herself as a social
19 worker unless qualified as a social worker as defined in this section.

20 (2) For purposes of this section, "social worker" means a person
21 who meets one of the following qualifications:

22 (a) Is licensed under RCW 18.225.090(1)(a) or 18.225.145(1)(a); or

23 (b) Has graduated with at least a bachelor's degree from a social
24 work educational program accredited by the council on social work
25 education and approved by the secretary of the department of health
26 based on nationally recognized standards.

27 (3) A public agency or private entity doing business in Washington
28 may not use the title of social worker, or a form of the title, for
29 describing or designating volunteer or employment positions or within
30 contracts for services, reference materials, manuals, or other
31 documents, unless the volunteers or employees working in those
32 positions are qualified as a social worker as defined in this section.

33 (4) This section does not apply to:

34 (a) Persons employed in Washington on the effective date of this
35 section under the job title of social worker or a form of the title,
36 during the time of their continued employment in the same position and

1 under the same job description and title held on the effective date of
2 this section;

3 (b) Individuals employed by the government of the United States
4 while engaged in the performance of duties prescribed by the laws of
5 the United States; or

6 (c) Persons providing services as an educational staff associate
7 who are certified by the Washington professional educator standards
8 board. However, this section applies to a certified educational staff
9 associate providing services outside the school setting.

10 NEW SECTION. **Sec. 3.** (1) The legislature finds that the practices
11 covered by this chapter are matters vitally affecting the public
12 interest for the purpose of applying the consumer protection act,
13 chapter 19.86 RCW. A violation of this chapter is not reasonable in
14 relation to the development and preservation of business and is an
15 unfair or deceptive act in trade or commerce and an unfair method of
16 competition for the purpose of applying the consumer protection act,
17 chapter 19.86 RCW.

18 (2) Remedies available under chapter 19.86 RCW for a violation of
19 this chapter do not affect any other remedy available under the law.

20 **Sec. 4.** RCW 10.77.010 and 2005 c 504 s 106 are each amended to
21 read as follows:

22 As used in this chapter:

23 (1) "Admission" means acceptance based on medical necessity, of a
24 person as a patient.

25 (2) "Commitment" means the determination by a court that a person
26 should be detained for a period of either evaluation or treatment, or
27 both, in an inpatient or a less-restrictive setting.

28 (3) "Conditional release" means modification of a court-ordered
29 commitment, which may be revoked upon violation of any of its terms.

30 (4) A "criminally insane" person means any person who has been
31 acquitted of a crime charged by reason of insanity, and thereupon found
32 to be a substantial danger to other persons or to present a substantial
33 likelihood of committing criminal acts jeopardizing public safety or
34 security unless kept under further control by the court or other
35 persons or institutions.

1 (5) "Department" means the state department of social and health
2 services.

3 (6) "Designated mental health professional" has the same meaning as
4 provided in RCW 71.05.020.

5 (7) "Detention" or "detain" means the lawful confinement of a
6 person, under the provisions of this chapter, pending evaluation.

7 (8) "Developmental disabilities professional" means a person who
8 has specialized training and three years of experience in directly
9 treating or working with persons with developmental disabilities and is
10 a psychiatrist or psychologist, or a social worker, and such other
11 developmental disabilities professionals as may be defined by rules
12 adopted by the secretary.

13 (9) "Developmental disability" means the condition as defined in
14 RCW 71A.10.020(3).

15 (10) "Discharge" means the termination of hospital medical
16 authority. The commitment may remain in place, be terminated, or be
17 amended by court order.

18 (11) "Furlough" means an authorized leave of absence for a resident
19 of a state institution operated by the department designated for the
20 custody, care, and treatment of the criminally insane, consistent with
21 an order of conditional release from the court under this chapter,
22 without any requirement that the resident be accompanied by, or be in
23 the custody of, any law enforcement or institutional staff, while on
24 such unescorted leave.

25 (12) "Habilitative services" means those services provided by
26 program personnel to assist persons in acquiring and maintaining life
27 skills and in raising their levels of physical, mental, social, and
28 vocational functioning. Habilitative services include education,
29 training for employment, and therapy. The habilitative process shall
30 be undertaken with recognition of the risk to the public safety
31 presented by the person being assisted as manifested by prior charged
32 criminal conduct.

33 (13) "History of one or more violent acts" means violent acts
34 committed during: (a) The ten-year period of time prior to the filing
35 of criminal charges; plus (b) the amount of time equal to time spent
36 during the ten-year period in a mental health facility or in
37 confinement as a result of a criminal conviction.

1 (14) "Incompetency" means a person lacks the capacity to understand
2 the nature of the proceedings against him or her or to assist in his or
3 her own defense as a result of mental disease or defect.

4 (15) "Indigent" means any person who is financially unable to
5 obtain counsel or other necessary expert or professional services
6 without causing substantial hardship to the person or his or her
7 family.

8 (16) "Individualized service plan" means a plan prepared by a
9 developmental disabilities professional with other professionals as a
10 team, for an individual with developmental disabilities, which shall
11 state:

12 (a) The nature of the person's specific problems, prior charged
13 criminal behavior, and habilitation needs;

14 (b) The conditions and strategies necessary to achieve the purposes
15 of habilitation;

16 (c) The intermediate and long-range goals of the habilitation
17 program, with a projected timetable for the attainment;

18 (d) The rationale for using this plan of habilitation to achieve
19 those intermediate and long-range goals;

20 (e) The staff responsible for carrying out the plan;

21 (f) Where relevant in light of past criminal behavior and due
22 consideration for public safety, the criteria for proposed movement to
23 less-restrictive settings, criteria for proposed eventual release, and
24 a projected possible date for release; and

25 (g) The type of residence immediately anticipated for the person
26 and possible future types of residences.

27 (17) "Professional person" means:

28 (a) A psychiatrist licensed as a physician and surgeon in this
29 state who has, in addition, completed three years of graduate training
30 in psychiatry in a program approved by the American medical association
31 or the American osteopathic association and is certified or eligible to
32 be certified by the American board of psychiatry and neurology or the
33 American osteopathic board of neurology and psychiatry;

34 (b) A psychologist licensed as a psychologist pursuant to chapter
35 18.83 RCW; or

36 (c) A social worker with a master's or further advanced degree from
37 (~~(an accredited school of social work or a degree deemed equivalent~~

1 ~~under rules adopted by the secretary))~~ a social work educational
2 program accredited and approved as provided in section 2 of this act.

3 (18) "Registration records" include all the records of the
4 department, regional support networks, treatment facilities, and other
5 persons providing services to the department, county departments, or
6 facilities which identify persons who are receiving or who at any time
7 have received services for mental illness.

8 (19) "Release" means legal termination of the court-ordered
9 commitment under the provisions of this chapter.

10 (20) "Secretary" means the secretary of the department of social
11 and health services or his or her designee.

12 (21) "Treatment" means any currently standardized medical or mental
13 health procedure including medication.

14 (22) "Treatment records" include registration and all other records
15 concerning persons who are receiving or who at any time have received
16 services for mental illness, which are maintained by the department, by
17 regional support networks and their staffs, and by treatment
18 facilities. Treatment records do not include notes or records
19 maintained for personal use by a person providing treatment services
20 for the department, regional support networks, or a treatment facility
21 if the notes or records are not available to others.

22 (23) "Violent act" means behavior that: (a)(i) Resulted in; (ii)
23 if completed as intended would have resulted in; or (iii) was
24 threatened to be carried out by a person who had the intent and
25 opportunity to carry out the threat and would have resulted in,
26 homicide, nonfatal injuries, or substantial damage to property; or (b)
27 recklessly creates an immediate risk of serious physical injury to
28 another person. As used in this subsection, "nonfatal injuries" means
29 physical pain or injury, illness, or an impairment of physical
30 condition. "Nonfatal injuries" shall be construed to be consistent
31 with the definition of "bodily injury," as defined in RCW 9A.04.110.

32 **Sec. 5.** RCW 13.34.260 and 2009 c 491 s 5 are each amended to read
33 as follows:

34 (1) In an attempt to minimize the inherent intrusion in the lives
35 of families involved in the foster care system and to maintain parental
36 authority where appropriate, the department, absent good cause, shall
37 follow the wishes of the natural parent regarding the placement of the

1 child with a relative or other suitable person pursuant to RCW
2 13.34.130. Preferences such as family constellation, sibling
3 relationships, ethnicity, and religion shall be considered when
4 matching children to foster homes. Parental authority is appropriate
5 in areas that are not connected with the abuse or neglect that resulted
6 in the dependency and shall be integrated through the foster care team.

7 (2) When a child is placed in out-of-home care, relatives, other
8 suitable persons, and foster parents are encouraged to:

9 (a) Provide consultation to the foster care team based upon their
10 experience with the child placed in their care;

11 (b) Assist the birth parents by helping them understand their
12 child's needs and correlating appropriate parenting responses;

13 (c) Participate in educational activities, and enter into
14 community-building activities with birth families and other foster
15 families;

16 (d) Transport children to family time visits with birth families
17 and assist children and their families in maximizing the purposefulness
18 of family time.

19 (3) For purposes of this section((7)):

20 (a) "Foster care team" means the relative, other suitable person,
21 or foster parent currently providing care, the currently assigned
22 department social services case worker, and the parent or parents; and

23 (b) "Birth family" means the persons described in RCW
24 74.15.020(2)(a).

25 **Sec. 6.** RCW 26.09.191 and 2007 c 496 s 303 are each amended to
26 read as follows:

27 (1) The permanent parenting plan shall not require mutual decision-
28 making or designation of a dispute resolution process other than court
29 action if it is found that a parent has engaged in any of the following
30 conduct: (a) Willful abandonment that continues for an extended period
31 of time or substantial refusal to perform parenting functions; (b)
32 physical, sexual, or a pattern of emotional abuse of a child; or (c) a
33 history of acts of domestic violence as defined in RCW 26.50.010(1) or
34 an assault or sexual assault which causes grievous bodily harm or the
35 fear of such harm.

36 (2)(a) The parent's residential time with the child shall be
37 limited if it is found that the parent has engaged in any of the

1 following conduct: (i) Willful abandonment that continues for an
2 extended period of time or substantial refusal to perform parenting
3 functions; (ii) physical, sexual, or a pattern of emotional abuse of a
4 child; (iii) a history of acts of domestic violence as defined in RCW
5 26.50.010(1) or an assault or sexual assault which causes grievous
6 bodily harm or the fear of such harm; or (iv) the parent has been
7 convicted as an adult of a sex offense under:

8 (A) RCW 9A.44.076 if, because of the difference in age between the
9 offender and the victim, no rebuttable presumption exists under (d) of
10 this subsection;

11 (B) RCW 9A.44.079 if, because of the difference in age between the
12 offender and the victim, no rebuttable presumption exists under (d) of
13 this subsection;

14 (C) RCW 9A.44.086 if, because of the difference in age between the
15 offender and the victim, no rebuttable presumption exists under (d) of
16 this subsection;

17 (D) RCW 9A.44.089;

18 (E) RCW 9A.44.093;

19 (F) RCW 9A.44.096;

20 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
21 between the offender and the victim, no rebuttable presumption exists
22 under (d) of this subsection;

23 (H) Chapter 9.68A RCW;

24 (I) Any predecessor or antecedent statute for the offenses listed
25 in (a)(iv)(A) through (H) of this subsection;

26 (J) Any statute from any other jurisdiction that describes an
27 offense analogous to the offenses listed in (a)(iv)(A) through (H) of
28 this subsection.

29 This subsection (2)(a) shall not apply when (c) or (d) of this
30 subsection applies.

31 (b) The parent's residential time with the child shall be limited
32 if it is found that the parent resides with a person who has engaged in
33 any of the following conduct: (i) Physical, sexual, or a pattern of
34 emotional abuse of a child; (ii) a history of acts of domestic violence
35 as defined in RCW 26.50.010(1) or an assault or sexual assault that
36 causes grievous bodily harm or the fear of such harm; or (iii) the
37 person has been convicted as an adult or as a juvenile has been
38 adjudicated of a sex offense under:

1 (A) RCW 9A.44.076 if, because of the difference in age between the
2 offender and the victim, no rebuttable presumption exists under (e) of
3 this subsection;

4 (B) RCW 9A.44.079 if, because of the difference in age between the
5 offender and the victim, no rebuttable presumption exists under (e) of
6 this subsection;

7 (C) RCW 9A.44.086 if, because of the difference in age between the
8 offender and the victim, no rebuttable presumption exists under (e) of
9 this subsection;

10 (D) RCW 9A.44.089;

11 (E) RCW 9A.44.093;

12 (F) RCW 9A.44.096;

13 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
14 between the offender and the victim, no rebuttable presumption exists
15 under (e) of this subsection;

16 (H) Chapter 9.68A RCW;

17 (I) Any predecessor or antecedent statute for the offenses listed
18 in (b)(iii)(A) through (H) of this subsection;

19 (J) Any statute from any other jurisdiction that describes an
20 offense analogous to the offenses listed in (b)(iii)(A) through (H) of
21 this subsection.

22 This subsection (2)(b) shall not apply when (c) or (e) of this
23 subsection applies.

24 (c) If a parent has been found to be a sexual predator under
25 chapter 71.09 RCW or under an analogous statute of any other
26 jurisdiction, the court shall restrain the parent from contact with a
27 child that would otherwise be allowed under this chapter. If a parent
28 resides with an adult or a juvenile who has been found to be a sexual
29 predator under chapter 71.09 RCW or under an analogous statute of any
30 other jurisdiction, the court shall restrain the parent from contact
31 with the parent's child except contact that occurs outside that
32 person's presence.

33 (d) There is a rebuttable presumption that a parent who has been
34 convicted as an adult of a sex offense listed in (d)(i) through (ix) of
35 this subsection poses a present danger to a child. Unless the parent
36 rebuts this presumption, the court shall restrain the parent from
37 contact with a child that would otherwise be allowed under this
38 chapter:

1 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
2 was at least five years older than the other person;
3 (ii) RCW 9A.44.073;
4 (iii) RCW 9A.44.076, provided that the person convicted was at
5 least eight years older than the victim;
6 (iv) RCW 9A.44.079, provided that the person convicted was at least
7 eight years older than the victim;
8 (v) RCW 9A.44.083;
9 (vi) RCW 9A.44.086, provided that the person convicted was at least
10 eight years older than the victim;
11 (vii) RCW 9A.44.100;
12 (viii) Any predecessor or antecedent statute for the offenses
13 listed in (d)(i) through (vii) of this subsection;
14 (ix) Any statute from any other jurisdiction that describes an
15 offense analogous to the offenses listed in (d)(i) through (vii) of
16 this subsection.
17 (e) There is a rebuttable presumption that a parent who resides
18 with a person who, as an adult, has been convicted, or as a juvenile
19 has been adjudicated, of the sex offenses listed in (e)(i) through (ix)
20 of this subsection places a child at risk of abuse or harm when that
21 parent exercises residential time in the presence of the convicted or
22 adjudicated person. Unless the parent rebuts the presumption, the
23 court shall restrain the parent from contact with the parent's child
24 except for contact that occurs outside of the convicted or adjudicated
25 person's presence:
26 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
27 was at least five years older than the other person;
28 (ii) RCW 9A.44.073;
29 (iii) RCW 9A.44.076, provided that the person convicted was at
30 least eight years older than the victim;
31 (iv) RCW 9A.44.079, provided that the person convicted was at least
32 eight years older than the victim;
33 (v) RCW 9A.44.083;
34 (vi) RCW 9A.44.086, provided that the person convicted was at least
35 eight years older than the victim;
36 (vii) RCW 9A.44.100;
37 (viii) Any predecessor or antecedent statute for the offenses
38 listed in (e)(i) through (vii) of this subsection;

1 (ix) Any statute from any other jurisdiction that describes an
2 offense analogous to the offenses listed in (e)(i) through (vii) of
3 this subsection.

4 (f) The presumption established in (d) of this subsection may be
5 rebutted only after a written finding that:

6 (i) If the child was not the victim of the sex offense committed by
7 the parent requesting residential time, (A) contact between the child
8 and the offending parent is appropriate and poses minimal risk to the
9 child, and (B) the offending parent has successfully engaged in
10 treatment for sex offenders or is engaged in and making progress in
11 such treatment, if any was ordered by a court, and the treatment
12 provider believes such contact is appropriate and poses minimal risk to
13 the child; or

14 (ii) If the child was the victim of the sex offense committed by
15 the parent requesting residential time, (A) contact between the child
16 and the offending parent is appropriate and poses minimal risk to the
17 child, (B) if the child is in or has been in therapy for victims of
18 sexual abuse, the child's counselor believes such contact between the
19 child and the offending parent is in the child's best interest, and (C)
20 the offending parent has successfully engaged in treatment for sex
21 offenders or is engaged in and making progress in such treatment, if
22 any was ordered by a court, and the treatment provider believes such
23 contact is appropriate and poses minimal risk to the child.

24 (g) The presumption established in (e) of this subsection may be
25 rebutted only after a written finding that:

26 (i) If the child was not the victim of the sex offense committed by
27 the person who is residing with the parent requesting residential time,
28 (A) contact between the child and the parent residing with the
29 convicted or adjudicated person is appropriate and that parent is able
30 to protect the child in the presence of the convicted or adjudicated
31 person, and (B) the convicted or adjudicated person has successfully
32 engaged in treatment for sex offenders or is engaged in and making
33 progress in such treatment, if any was ordered by a court, and the
34 treatment provider believes such contact is appropriate and poses
35 minimal risk to the child; or

36 (ii) If the child was the victim of the sex offense committed by
37 the person who is residing with the parent requesting residential time,
38 (A) contact between the child and the parent in the presence of the

1 convicted or adjudicated person is appropriate and poses minimal risk
2 to the child, (B) if the child is in or has been in therapy for victims
3 of sexual abuse, the child's counselor believes such contact between
4 the child and the parent residing with the convicted or adjudicated
5 person in the presence of the convicted or adjudicated person is in the
6 child's best interest, and (C) the convicted or adjudicated person has
7 successfully engaged in treatment for sex offenders or is engaged in
8 and making progress in such treatment, if any was ordered by a court,
9 and the treatment provider believes contact between the parent and
10 child in the presence of the convicted or adjudicated person is
11 appropriate and poses minimal risk to the child.

12 (h) If the court finds that the parent has met the burden of
13 rebutting the presumption under (f) of this subsection, the court may
14 allow a parent who has been convicted as an adult of a sex offense
15 listed in (d)(i) through (ix) of this subsection to have residential
16 time with the child supervised by a neutral and independent adult and
17 pursuant to an adequate plan for supervision of such residential time.
18 The court shall not approve of a supervisor for contact between the
19 child and the parent unless the court finds, based on the evidence,
20 that the supervisor is willing and capable of protecting the child from
21 harm. The court shall revoke court approval of the supervisor upon
22 finding, based on the evidence, that the supervisor has failed to
23 protect the child or is no longer willing or capable of protecting the
24 child.

25 (i) If the court finds that the parent has met the burden of
26 rebutting the presumption under (g) of this subsection, the court may
27 allow a parent residing with a person who has been adjudicated as a
28 juvenile of a sex offense listed in (e)(i) through (ix) of this
29 subsection to have residential time with the child in the presence of
30 the person adjudicated as a juvenile, supervised by a neutral and
31 independent adult and pursuant to an adequate plan for supervision of
32 such residential time. The court shall not approve of a supervisor for
33 contact between the child and the parent unless the court finds, based
34 on the evidence, that the supervisor is willing and capable of
35 protecting the child from harm. The court shall revoke court approval
36 of the supervisor upon finding, based on the evidence, that the
37 supervisor has failed to protect the child or is no longer willing or
38 capable of protecting the child.

1 (j) If the court finds that the parent has met the burden of
2 rebutting the presumption under (g) of this subsection, the court may
3 allow a parent residing with a person who, as an adult, has been
4 convicted of a sex offense listed in (e)(i) through (ix) of this
5 subsection to have residential time with the child in the presence of
6 the convicted person supervised by a neutral and independent adult and
7 pursuant to an adequate plan for supervision of such residential time.
8 The court shall not approve of a supervisor for contact between the
9 child and the parent unless the court finds, based on the evidence,
10 that the supervisor is willing and capable of protecting the child from
11 harm. The court shall revoke court approval of the supervisor upon
12 finding, based on the evidence, that the supervisor has failed to
13 protect the child or is no longer willing or capable of protecting the
14 child.

15 (k) A court shall not order unsupervised contact between the
16 offending parent and a child of the offending parent who was sexually
17 abused by that parent. A court may order unsupervised contact between
18 the offending parent and a child who was not sexually abused by the
19 parent after the presumption under (d) of this subsection has been
20 rebutted and supervised residential time has occurred for at least two
21 years with no further arrests or convictions of sex offenses involving
22 children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW
23 and (i) the sex offense of the offending parent was not committed
24 against a child of the offending parent, and (ii) the court finds that
25 unsupervised contact between the child and the offending parent is
26 appropriate and poses minimal risk to the child, after consideration of
27 the testimony of a state-certified therapist, mental health counselor,
28 or social worker with expertise in treating child sexual abuse victims
29 who has supervised at least one period of residential time between the
30 parent and the child, and after consideration of evidence of the
31 offending parent's compliance with community supervision requirements,
32 if any. If the offending parent was not ordered by a court to
33 participate in treatment for sex offenders, then the parent shall
34 obtain a psychosexual evaluation conducted by a certified sex offender
35 treatment provider or a certified affiliate sex offender treatment
36 provider indicating that the offender has the lowest likelihood of risk
37 to reoffend before the court grants unsupervised contact between the
38 parent and a child.

1 (1) A court may order unsupervised contact between the parent and
2 a child which may occur in the presence of a juvenile adjudicated of a
3 sex offense listed in (e)(i) through (ix) of this subsection who
4 resides with the parent after the presumption under (e) of this
5 subsection has been rebutted and supervised residential time has
6 occurred for at least two years during which time the adjudicated
7 juvenile has had no further arrests, adjudications, or convictions of
8 sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020,
9 or chapter 9.68A RCW, and (i) the court finds that unsupervised contact
10 between the child and the parent that may occur in the presence of the
11 adjudicated juvenile is appropriate and poses minimal risk to the
12 child, after consideration of the testimony of a state-certified
13 therapist, mental health counselor, or social worker with expertise in
14 treatment of child sexual abuse victims who has supervised at least one
15 period of residential time between the parent and the child in the
16 presence of the adjudicated juvenile, and after consideration of
17 evidence of the adjudicated juvenile's compliance with community
18 supervision or parole requirements, if any. If the adjudicated
19 juvenile was not ordered by a court to participate in treatment for sex
20 offenders, then the adjudicated juvenile shall obtain a psychosexual
21 evaluation conducted by a certified sex offender treatment provider or
22 a certified affiliate sex offender treatment provider indicating that
23 the adjudicated juvenile has the lowest likelihood of risk to reoffend
24 before the court grants unsupervised contact between the parent and a
25 child which may occur in the presence of the adjudicated juvenile who
26 is residing with the parent.

27 (m)(i) The limitations imposed by the court under (a) or (b) of
28 this subsection shall be reasonably calculated to protect the child
29 from the physical, sexual, or emotional abuse or harm that could result
30 if the child has contact with the parent requesting residential time.
31 The limitations shall also be reasonably calculated to provide for the
32 safety of the parent who may be at risk of physical, sexual, or
33 emotional abuse or harm that could result if the parent has contact
34 with the parent requesting residential time. The limitations the court
35 may impose include, but are not limited to: Supervised contact between
36 the child and the parent or completion of relevant counseling or
37 treatment. If the court expressly finds based on the evidence that
38 limitations on the residential time with the child will not adequately

1 protect the child from the harm or abuse that could result if the child
2 has contact with the parent requesting residential time, the court
3 shall restrain the parent requesting residential time from all contact
4 with the child.

5 (ii) The court shall not enter an order under (a) of this
6 subsection allowing a parent to have contact with a child if the parent
7 has been found by clear and convincing evidence in a civil action or by
8 a preponderance of the evidence in a dependency action to have sexually
9 abused the child, except upon recommendation by an evaluator or
10 therapist for the child that the child is ready for contact with the
11 parent and will not be harmed by the contact. The court shall not
12 enter an order allowing a parent to have contact with the child in the
13 offender's presence if the parent resides with a person who has been
14 found by clear and convincing evidence in a civil action or by a
15 preponderance of the evidence in a dependency action to have sexually
16 abused a child, unless the court finds that the parent accepts that the
17 person engaged in the harmful conduct and the parent is willing to and
18 capable of protecting the child from harm from the person.

19 (iii) If the court limits residential time under (a) or (b) of this
20 subsection to require supervised contact between the child and the
21 parent, the court shall not approve of a supervisor for contact between
22 a child and a parent who has engaged in physical, sexual, or a pattern
23 of emotional abuse of the child unless the court finds based upon the
24 evidence that the supervisor accepts that the harmful conduct occurred
25 and is willing to and capable of protecting the child from harm. The
26 court shall revoke court approval of the supervisor upon finding, based
27 on the evidence, that the supervisor has failed to protect the child or
28 is no longer willing to or capable of protecting the child.

29 (n) If the court expressly finds based on the evidence that
30 contact between the parent and the child will not cause physical,
31 sexual, or emotional abuse or harm to the child and that the
32 probability that the parent's or other person's harmful or abusive
33 conduct will recur is so remote that it would not be in the child's
34 best interests to apply the limitations of (a), (b), and (m)(i) and
35 (iii) of this subsection, or if the court expressly finds that the
36 parent's conduct did not have an impact on the child, then the court
37 need not apply the limitations of (a), (b), and (m)(i) and (iii) of
38 this subsection. The weight given to the existence of a protection

1 order issued under chapter 26.50 RCW as to domestic violence is within
2 the discretion of the court. This subsection shall not apply when (c),
3 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this
4 subsection apply.

5 (3) A parent's involvement or conduct may have an adverse effect on
6 the child's best interests, and the court may preclude or limit any
7 provisions of the parenting plan, if any of the following factors
8 exist:

9 (a) A parent's neglect or substantial nonperformance of parenting
10 functions;

11 (b) A long-term emotional or physical impairment which interferes
12 with the parent's performance of parenting functions as defined in RCW
13 26.09.004;

14 (c) A long-term impairment resulting from drug, alcohol, or other
15 substance abuse that interferes with the performance of parenting
16 functions;

17 (d) The absence or substantial impairment of emotional ties between
18 the parent and the child;

19 (e) The abusive use of conflict by the parent which creates the
20 danger of serious damage to the child's psychological development;

21 (f) A parent has withheld from the other parent access to the child
22 for a protracted period without good cause; or

23 (g) Such other factors or conduct as the court expressly finds
24 adverse to the best interests of the child.

25 (4) In cases involving allegations of limiting factors under
26 subsection (2)(a)(ii) and (iii) of this section, both parties shall be
27 screened to determine the appropriateness of a comprehensive assessment
28 regarding the impact of the limiting factor on the child and the
29 parties.

30 (5) In entering a permanent parenting plan, the court shall not
31 draw any presumptions from the provisions of the temporary parenting
32 plan.

33 (6) In determining whether any of the conduct described in this
34 section has occurred, the court shall apply the civil rules of
35 evidence, proof, and procedure.

36 (7) For the purposes of this section(~~(7)~~):

37 (a) "A parent's child" means that parent's natural child, adopted
38 child, or stepchild; and

1 (b) "Social worker" means a person with a master's or further
2 advanced degree from a social work educational program accredited and
3 approved as provided in section 2 of this act.

4 **Sec. 7.** RCW 26.10.160 and 2004 c 38 s 13 are each amended to read
5 as follows:

6 (1) A parent not granted custody of the child is entitled to
7 reasonable visitation rights except as provided in subsection (2) of
8 this section.

9 (2)(a) Visitation with the child shall be limited if it is found
10 that the parent seeking visitation has engaged in any of the following
11 conduct: (i) Willful abandonment that continues for an extended period
12 of time or substantial refusal to perform parenting functions; (ii)
13 physical, sexual, or a pattern of emotional abuse of a child; (iii) a
14 history of acts of domestic violence as defined in RCW 26.50.010(1) or
15 an assault or sexual assault which causes grievous bodily harm or the
16 fear of such harm; or (iv) the parent has been convicted as an adult of
17 a sex offense under:

18 (A) RCW 9A.44.076 if, because of the difference in age between the
19 offender and the victim, no rebuttable presumption exists under (d) of
20 this subsection;

21 (B) RCW 9A.44.079 if, because of the difference in age between the
22 offender and the victim, no rebuttable presumption exists under (d) of
23 this subsection;

24 (C) RCW 9A.44.086 if, because of the difference in age between the
25 offender and the victim, no rebuttable presumption exists under (d) of
26 this subsection;

27 (D) RCW 9A.44.089;

28 (E) RCW 9A.44.093;

29 (F) RCW 9A.44.096;

30 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
31 between the offender and the victim, no rebuttable presumption exists
32 under (d) of this subsection;

33 (H) Chapter 9.68A RCW;

34 (I) Any predecessor or antecedent statute for the offenses listed
35 in (a)(iv)(A) through (H) of this subsection;

36 (J) Any statute from any other jurisdiction that describes an

1 offense analogous to the offenses listed in (a)(iv)(A) through (H) of
2 this subsection.

3 This subsection (2)(a) shall not apply when (c) or (d) of this
4 subsection applies.

5 (b) The parent's visitation with the child shall be limited if it
6 is found that the parent resides with a person who has engaged in any
7 of the following conduct: (i) Physical, sexual, or a pattern of
8 emotional abuse of a child; (ii) a history of acts of domestic violence
9 as defined in RCW 26.50.010(1) or an assault or sexual assault that
10 causes grievous bodily harm or the fear of such harm; or (iii) the
11 person has been convicted as an adult or as a juvenile has been
12 adjudicated of a sex offense under:

13 (A) RCW 9A.44.076 if, because of the difference in age between the
14 offender and the victim, no rebuttable presumption exists under (e) of
15 this subsection;

16 (B) RCW 9A.44.079 if, because of the difference in age between the
17 offender and the victim, no rebuttable presumption exists under (e) of
18 this subsection;

19 (C) RCW 9A.44.086 if, because of the difference in age between the
20 offender and the victim, no rebuttable presumption exists under (e) of
21 this subsection;

22 (D) RCW 9A.44.089;

23 (E) RCW 9A.44.093;

24 (F) RCW 9A.44.096;

25 (G) RCW 9A.64.020 (1) or (2) if, because of the difference in age
26 between the offender and the victim, no rebuttable presumption exists
27 under (e) of this subsection;

28 (H) Chapter 9.68A RCW;

29 (I) Any predecessor or antecedent statute for the offenses listed
30 in (b)(iii)(A) through (H) of this subsection;

31 (J) Any statute from any other jurisdiction that describes an
32 offense analogous to the offenses listed in (b)(iii)(A) through (H) of
33 this subsection.

34 This subsection (2)(b) shall not apply when (c) or (e) of this
35 subsection applies.

36 (c) If a parent has been found to be a sexual predator under
37 chapter 71.09 RCW or under an analogous statute of any other
38 jurisdiction, the court shall restrain the parent from contact with a

1 child that would otherwise be allowed under this chapter. If a parent
2 resides with an adult or a juvenile who has been found to be a sexual
3 predator under chapter 71.09 RCW or under an analogous statute of any
4 other jurisdiction, the court shall restrain the parent from contact
5 with the parent's child except contact that occurs outside that
6 person's presence.

7 (d) There is a rebuttable presumption that a parent who has been
8 convicted as an adult of a sex offense listed in (d)(i) through (ix) of
9 this subsection poses a present danger to a child. Unless the parent
10 rebuts this presumption, the court shall restrain the parent from
11 contact with a child that would otherwise be allowed under this
12 chapter:

13 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
14 was at least five years older than the other person;

15 (ii) RCW 9A.44.073;

16 (iii) RCW 9A.44.076, provided that the person convicted was at
17 least eight years older than the victim;

18 (iv) RCW 9A.44.079, provided that the person convicted was at least
19 eight years older than the victim;

20 (v) RCW 9A.44.083;

21 (vi) RCW 9A.44.086, provided that the person convicted was at least
22 eight years older than the victim;

23 (vii) RCW 9A.44.100;

24 (viii) Any predecessor or antecedent statute for the offenses
25 listed in (d)(i) through (vii) of this subsection;

26 (ix) Any statute from any other jurisdiction that describes an
27 offense analogous to the offenses listed in (d)(i) through (vii) of
28 this subsection.

29 (e) There is a rebuttable presumption that a parent who resides
30 with a person who, as an adult, has been convicted, or as a juvenile
31 has been adjudicated, of the sex offenses listed in (e)(i) through (ix)
32 of this subsection places a child at risk of abuse or harm when that
33 parent exercises visitation in the presence of the convicted or
34 adjudicated person. Unless the parent rebuts the presumption, the
35 court shall restrain the parent from contact with the parent's child
36 except for contact that occurs outside of the convicted or adjudicated
37 person's presence:

1 (i) RCW 9A.64.020 (1) or (2), provided that the person convicted
2 was at least five years older than the other person;
3 (ii) RCW 9A.44.073;
4 (iii) RCW 9A.44.076, provided that the person convicted was at
5 least eight years older than the victim;
6 (iv) RCW 9A.44.079, provided that the person convicted was at least
7 eight years older than the victim;
8 (v) RCW 9A.44.083;
9 (vi) RCW 9A.44.086, provided that the person convicted was at least
10 eight years older than the victim;
11 (vii) RCW 9A.44.100;
12 (viii) Any predecessor or antecedent statute for the offenses
13 listed in (e)(i) through (vii) of this subsection;
14 (ix) Any statute from any other jurisdiction that describes an
15 offense analogous to the offenses listed in (e)(i) through (vii) of
16 this subsection.
17 (f) The presumption established in (d) of this subsection may be
18 rebutted only after a written finding that:
19 (i) If the child was not the victim of the sex offense committed by
20 the parent requesting visitation, (A) contact between the child and the
21 offending parent is appropriate and poses minimal risk to the child,
22 and (B) the offending parent has successfully engaged in treatment for
23 sex offenders or is engaged in and making progress in such treatment,
24 if any was ordered by a court, and the treatment provider believes such
25 contact is appropriate and poses minimal risk to the child; or
26 (ii) If the child was the victim of the sex offense committed by
27 the parent requesting visitation, (A) contact between the child and the
28 offending parent is appropriate and poses minimal risk to the child,
29 (B) if the child is in or has been in therapy for victims of sexual
30 abuse, the child's counselor believes such contact between the child
31 and the offending parent is in the child's best interest, and (C) the
32 offending parent has successfully engaged in treatment for sex
33 offenders or is engaged in and making progress in such treatment, if
34 any was ordered by a court, and the treatment provider believes such
35 contact is appropriate and poses minimal risk to the child.
36 (g) The presumption established in (e) of this subsection may be
37 rebutted only after a written finding that:

1 (i) If the child was not the victim of the sex offense committed by
2 the person who is residing with the parent requesting visitation, (A)
3 contact between the child and the parent residing with the convicted or
4 adjudicated person is appropriate and that parent is able to protect
5 the child in the presence of the convicted or adjudicated person, and
6 (B) the convicted or adjudicated person has successfully engaged in
7 treatment for sex offenders or is engaged in and making progress in
8 such treatment, if any was ordered by a court, and the treatment
9 provider believes such contact is appropriate and poses minimal risk to
10 the child; or

11 (ii) If the child was the victim of the sex offense committed by
12 the person who is residing with the parent requesting visitation, (A)
13 contact between the child and the parent in the presence of the
14 convicted or adjudicated person is appropriate and poses minimal risk
15 to the child, (B) if the child is in or has been in therapy for victims
16 of sexual abuse, the child's counselor believes such contact between
17 the child and the parent residing with the convicted or adjudicated
18 person in the presence of the convicted or adjudicated person is in the
19 child's best interest, and (C) the convicted or adjudicated person has
20 successfully engaged in treatment for sex offenders or is engaged in
21 and making progress in such treatment, if any was ordered by a court,
22 and the treatment provider believes contact between the parent and
23 child in the presence of the convicted or adjudicated person is
24 appropriate and poses minimal risk to the child.

25 (h) If the court finds that the parent has met the burden of
26 rebutting the presumption under (f) of this subsection, the court may
27 allow a parent who has been convicted as an adult of a sex offense
28 listed in (d)(i) through (ix) of this subsection to have visitation
29 with the child supervised by a neutral and independent adult and
30 pursuant to an adequate plan for supervision of such visitation. The
31 court shall not approve of a supervisor for contact between the child
32 and the parent unless the court finds, based on the evidence, that the
33 supervisor is willing and capable of protecting the child from harm.
34 The court shall revoke court approval of the supervisor upon finding,
35 based on the evidence, that the supervisor has failed to protect the
36 child or is no longer willing or capable of protecting the child.

37 (i) If the court finds that the parent has met the burden of
38 rebutting the presumption under (g) of this subsection, the court may

1 allow a parent residing with a person who has been adjudicated as a
2 juvenile of a sex offense listed in (e)(i) through (ix) of this
3 subsection to have visitation with the child in the presence of the
4 person adjudicated as a juvenile, supervised by a neutral and
5 independent adult and pursuant to an adequate plan for supervision of
6 such visitation. The court shall not approve of a supervisor for
7 contact between the child and the parent unless the court finds, based
8 on the evidence, that the supervisor is willing and capable of
9 protecting the child from harm. The court shall revoke court approval
10 of the supervisor upon finding, based on the evidence, that the
11 supervisor has failed to protect the child or is no longer willing or
12 capable of protecting the child.

13 (j) If the court finds that the parent has met the burden of
14 rebutting the presumption under (g) of this subsection, the court may
15 allow a parent residing with a person who, as an adult, has been
16 convicted of a sex offense listed in (e)(i) through (ix) of this
17 subsection to have visitation with the child in the presence of the
18 convicted person supervised by a neutral and independent adult and
19 pursuant to an adequate plan for supervision of such visitation. The
20 court shall not approve of a supervisor for contact between the child
21 and the parent unless the court finds, based on the evidence, that the
22 supervisor is willing and capable of protecting the child from harm.
23 The court shall revoke court approval of the supervisor upon finding,
24 based on the evidence, that the supervisor has failed to protect the
25 child or is no longer willing or capable of protecting the child.

26 (k) A court shall not order unsupervised contact between the
27 offending parent and a child of the offending parent who was sexually
28 abused by that parent. A court may order unsupervised contact between
29 the offending parent and a child who was not sexually abused by the
30 parent after the presumption under (d) of this subsection has been
31 rebutted and supervised visitation has occurred for at least two years
32 with no further arrests or convictions of sex offenses involving
33 children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW
34 and (i) the sex offense of the offending parent was not committed
35 against a child of the offending parent, and (ii) the court finds that
36 unsupervised contact between the child and the offending parent is
37 appropriate and poses minimal risk to the child, after consideration of
38 the testimony of a state-certified therapist, mental health counselor,

1 or social worker with expertise in treating child sexual abuse victims
2 who has supervised at least one period of visitation between the parent
3 and the child, and after consideration of evidence of the offending
4 parent's compliance with community supervision requirements, if any.
5 If the offending parent was not ordered by a court to participate in
6 treatment for sex offenders, then the parent shall obtain a
7 psychosexual evaluation conducted by a certified sex offender treatment
8 provider or a certified affiliate sex offender treatment provider
9 indicating that the offender has the lowest likelihood of risk to
10 reoffend before the court grants unsupervised contact between the
11 parent and a child.

12 (1) A court may order unsupervised contact between the parent and
13 a child which may occur in the presence of a juvenile adjudicated of a
14 sex offense listed in (e)(i) through (ix) of this subsection who
15 resides with the parent after the presumption under (e) of this
16 subsection has been rebutted and supervised visitation has occurred for
17 at least two years during which time the adjudicated juvenile has had
18 no further arrests, adjudications, or convictions of sex offenses
19 involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter
20 9.68A RCW, and (i) the court finds that unsupervised contact between
21 the child and the parent that may occur in the presence of the
22 adjudicated juvenile is appropriate and poses minimal risk to the
23 child, after consideration of the testimony of a state-certified
24 therapist, mental health counselor, or social worker with expertise in
25 treatment of child sexual abuse victims who has supervised at least one
26 period of visitation between the parent and the child in the presence
27 of the adjudicated juvenile, and after consideration of evidence of the
28 adjudicated juvenile's compliance with community supervision or parole
29 requirements, if any. If the adjudicated juvenile was not ordered by
30 a court to participate in treatment for sex offenders, then the
31 adjudicated juvenile shall obtain a psychosexual evaluation conducted
32 by a certified sex offender treatment provider or a certified affiliate
33 sex offender treatment provider indicating that the adjudicated
34 juvenile has the lowest likelihood of risk to reoffend before the court
35 grants unsupervised contact between the parent and a child which may
36 occur in the presence of the adjudicated juvenile who is residing with
37 the parent.

1 (m)(i) The limitations imposed by the court under (a) or (b) of
2 this subsection shall be reasonably calculated to protect the child
3 from the physical, sexual, or emotional abuse or harm that could result
4 if the child has contact with the parent requesting visitation. If the
5 court expressly finds based on the evidence that limitations on
6 visitation with the child will not adequately protect the child from
7 the harm or abuse that could result if the child has contact with the
8 parent requesting visitation, the court shall restrain the person
9 seeking visitation from all contact with the child.

10 (ii) The court shall not enter an order under (a) of this
11 subsection allowing a parent to have contact with a child if the parent
12 has been found by clear and convincing evidence in a civil action or by
13 a preponderance of the evidence in a dependency action to have sexually
14 abused the child, except upon recommendation by an evaluator or
15 therapist for the child that the child is ready for contact with the
16 parent and will not be harmed by the contact. The court shall not
17 enter an order allowing a parent to have contact with the child in the
18 offender's presence if the parent resides with a person who has been
19 found by clear and convincing evidence in a civil action or by a
20 preponderance of the evidence in a dependency action to have sexually
21 abused a child, unless the court finds that the parent accepts that the
22 person engaged in the harmful conduct and the parent is willing to and
23 capable of protecting the child from harm from the person.

24 (iii) If the court limits visitation under (a) or (b) of this
25 subsection to require supervised contact between the child and the
26 parent, the court shall not approve of a supervisor for contact between
27 a child and a parent who has engaged in physical, sexual, or a pattern
28 of emotional abuse of the child unless the court finds based upon the
29 evidence that the supervisor accepts that the harmful conduct occurred
30 and is willing to and capable of protecting the child from harm. The
31 court shall revoke court approval of the supervisor upon finding, based
32 on the evidence, that the supervisor has failed to protect the child or
33 is no longer willing to or capable of protecting the child.

34 (n) If the court expressly finds based on the evidence that
35 contact between the parent and the child will not cause physical,
36 sexual, or emotional abuse or harm to the child and that the
37 probability that the parent's or other person's harmful or abusive
38 conduct will recur is so remote that it would not be in the child's

1 best interests to apply the limitations of (a), (b), and (m)(i) and
2 (iii) of this subsection, or if the court expressly finds that the
3 parent's conduct did not have an impact on the child, then the court
4 need not apply the limitations of (a), (b), and (m)(i) and (iii) of
5 this subsection. The weight given to the existence of a protection
6 order issued under chapter 26.50 RCW as to domestic violence is within
7 the discretion of the court. This subsection shall not apply when (c),
8 (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this
9 subsection apply.

10 (3) Any person may petition the court for visitation rights at any
11 time including, but not limited to, custody proceedings. The court may
12 order visitation rights for any person when visitation may serve the
13 best interest of the child whether or not there has been any change of
14 circumstances.

15 (4) The court may modify an order granting or denying visitation
16 rights whenever modification would serve the best interests of the
17 child. Modification of a parent's visitation rights shall be subject
18 to the requirements of subsection (2) of this section.

19 (5) For the purposes of this section(~~(7)~~):

20 (a) "A parent's child" means that parent's natural child, adopted
21 child, or stepchild; and

22 (b) "Social worker" means a person with a master's or further
23 advanced degree from a social work educational program accredited and
24 approved as provided in section 2 of this act.

25 **Sec. 8.** RCW 28A.170.080 and 2005 c 497 s 213 are each amended to
26 read as follows:

27 (1) Grants provided under RCW 28A.170.090 may be used solely for
28 services provided by a substance abuse intervention specialist or for
29 dedicated staff time for counseling and intervention services provided
30 by any school district certificated employee who has been trained by
31 and has access to consultation with a substance abuse intervention
32 specialist. Services shall be directed at assisting students in
33 kindergarten through twelfth grade in overcoming problems of drug and
34 alcohol abuse, and in preventing abuse and addiction to such
35 substances, including nicotine. The grants shall require local
36 matching funds so that the grant amounts support a maximum of eighty
37 percent of the costs of the services funded. The services of a

1 substance abuse intervention specialist may be obtained by means of a
2 contract with a state or community services agency or a drug treatment
3 center. Services provided by a substance abuse intervention specialist
4 may include:

5 (a) Individual and family counseling, including preventive
6 counseling;

7 (b) Assessment and referral for treatment;

8 (c) Referral to peer support groups;

9 (d) Aftercare;

10 (e) Development and supervision of student mentor programs;

11 (f) Staff training, including training in the identification of
12 high-risk children and effective interaction with those children in the
13 classroom; and

14 (g) Development and coordination of school drug and alcohol core
15 teams, involving staff, students, parents, and community members.

16 (2) For the purposes of this section, "substance abuse intervention
17 specialist" means any one of the following, except that diagnosis and
18 assessment, counseling and aftercare specifically identified with
19 treatment of chemical dependency shall be performed only by personnel
20 who meet the same qualifications as are required of a qualified
21 chemical dependency counselor employed by an alcoholism or drug
22 treatment program approved by the department of social and health
23 services.

24 (a) An educational staff associate employed by a school district or
25 educational service district who holds certification as a school
26 counselor, school psychologist, school nurse, or school social worker
27 under Washington professional educator standards board rules adopted
28 pursuant to RCW 28A.410.210;

29 (b) An individual who meets the definition of a qualified drug or
30 alcohol counselor established by the bureau of alcohol and substance
31 abuse;

32 (c) A counselor, social services case worker, or other qualified
33 professional employed by the department of social and health services;

34 (d) A psychologist licensed under chapter 18.83 RCW; or

35 (e) A children's mental health specialist as defined in RCW
36 71.34.020.

1 **Sec. 9.** RCW 70.96A.037 and 2009 c 579 s 1 are each amended to read
2 as follows:

3 (1) The department of social and health services shall contract for
4 chemical dependency specialist services at division of children and
5 family services offices to enhance the timeliness and quality of child
6 protective services assessments and to better connect families to
7 needed treatment services.

8 (2) The chemical dependency specialist's duties may include, but
9 are not limited to: Conducting on-site chemical dependency screening
10 and assessment, facilitating progress reports to department social
11 services case workers, in-service training of department social
12 services case workers and staff on substance abuse issues, referring
13 clients from the department to treatment providers, and providing
14 consultation on cases to department social services case workers.

15 (3) The department of social and health services shall provide
16 training in and ensure that each case-carrying social services case
17 worker is trained in uniform screening for mental health and chemical
18 dependency.

19 **Sec. 10.** RCW 70.96B.010 and 2008 c 320 s 3 are each amended to
20 read as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (1) "Admission" or "admit" means a decision by a physician that a
24 person should be examined or treated as a patient in a hospital, an
25 evaluation and treatment facility, or other inpatient facility, or a
26 decision by a professional person in charge or his or her designee that
27 a person should be detained as a patient for evaluation and treatment
28 in a secure detoxification facility or other certified chemical
29 dependency provider.

30 (2) "Antipsychotic medications" means that class of drugs primarily
31 used to treat serious manifestations of mental illness associated with
32 thought disorders, which includes but is not limited to atypical
33 antipsychotic medications.

34 (3) "Approved treatment program" means a discrete program of
35 chemical dependency treatment provided by a treatment program certified
36 by the department as meeting standards adopted under chapter 70.96A
37 RCW.

1 (4) "Attending staff" means any person on the staff of a public or
2 private agency having responsibility for the care and treatment of a
3 patient.

4 (5) "Chemical dependency" means:
5 (a) Alcoholism;
6 (b) Drug addiction; or
7 (c) Dependence on alcohol and one or more other psychoactive
8 chemicals, as the context requires.

9 (6) "Chemical dependency professional" means a person certified as
10 a chemical dependency professional by the department of health under
11 chapter 18.205 RCW.

12 (7) "Commitment" means the determination by a court that a person
13 should be detained for a period of either evaluation or treatment, or
14 both, in an inpatient or a less restrictive setting.

15 (8) "Conditional release" means a revocable modification of a
16 commitment that may be revoked upon violation of any of its terms.

17 (9) "Custody" means involuntary detention under either chapter
18 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of
19 unconditional release from commitment from a facility providing
20 involuntary care and treatment.

21 (10) "Department" means the department of social and health
22 services.

23 (11) "Designated chemical dependency specialist" or "specialist"
24 means a person designated by the county alcoholism and other drug
25 addiction program coordinator designated under RCW 70.96A.310 to
26 perform the commitment duties described in RCW 70.96A.140 and this
27 chapter, and qualified to do so by meeting standards adopted by the
28 department.

29 (12) "Designated crisis responder" means a person designated by the
30 county or regional support network to perform the duties specified in
31 this chapter.

32 (13) "Designated mental health professional" means a mental health
33 professional designated by the county or other authority authorized in
34 rule to perform the duties specified in this chapter.

35 (14) "Detention" or "detain" means the lawful confinement of a
36 person under this chapter, or chapter 70.96A or 71.05 RCW.

37 (15) "Developmental disabilities professional" means a person who
38 has specialized training and three years of experience in directly

1 treating or working with individuals with developmental disabilities
2 and is a psychiatrist, psychologist, or social worker, and such other
3 developmental disabilities professionals as may be defined by rules
4 adopted by the secretary.

5 (16) "Developmental disability" means that condition defined in RCW
6 71A.10.020.

7 (17) "Discharge" means the termination of facility authority. The
8 commitment may remain in place, be terminated, or be amended by court
9 order.

10 (18) "Evaluation and treatment facility" means any facility that
11 can provide directly, or by direct arrangement with other public or
12 private agencies, emergency evaluation and treatment, outpatient care,
13 and timely and appropriate inpatient care to persons suffering from a
14 mental disorder, and that is certified as such by the department. A
15 physically separate and separately operated portion of a state hospital
16 may be designated as an evaluation and treatment facility. A facility
17 that is part of, or operated by, the department or any federal agency
18 does not require certification. No correctional institution or
19 facility, or jail, may be an evaluation and treatment facility within
20 the meaning of this chapter.

21 (19) "Facility" means either an evaluation and treatment facility
22 or a secure detoxification facility.

23 (20) "Gravely disabled" means a condition in which a person, as a
24 result of a mental disorder, or as a result of the use of alcohol or
25 other psychoactive chemicals:

26 (a) Is in danger of serious physical harm resulting from a failure
27 to provide for his or her essential human needs of health or safety; or

28 (b) Manifests severe deterioration in routine functioning evidenced
29 by repeated and escalating loss of cognitive or volitional control over
30 his or her actions and is not receiving such care as is essential for
31 his or her health or safety.

32 (21) "History of one or more violent acts" refers to the period of
33 time ten years before the filing of a petition under this chapter, or
34 chapter 70.96A or 71.05 RCW, excluding any time spent, but not any
35 violent acts committed, in a mental health facility or a long-term
36 alcoholism or drug treatment facility, or in confinement as a result of
37 a criminal conviction.

1 (22) "Imminent" means the state or condition of being likely to
2 occur at any moment or near at hand, rather than distant or remote.

3 (23) "Intoxicated person" means a person whose mental or physical
4 functioning is substantially impaired as a result of the use of alcohol
5 or other psychoactive chemicals.

6 (24) "Judicial commitment" means a commitment by a court under this
7 chapter.

8 (25) "Licensed physician" means a person licensed to practice
9 medicine or osteopathic medicine and surgery in the state of
10 Washington.

11 (26) "Likelihood of serious harm" means:

12 (a) A substantial risk that:

13 (i) Physical harm will be inflicted by a person upon his or her own
14 person, as evidenced by threats or attempts to commit suicide or
15 inflict physical harm on oneself;

16 (ii) Physical harm will be inflicted by a person upon another, as
17 evidenced by behavior that has caused such harm or that places another
18 person or persons in reasonable fear of sustaining such harm; or

19 (iii) Physical harm will be inflicted by a person upon the property
20 of others, as evidenced by behavior that has caused substantial loss or
21 damage to the property of others; or

22 (b) The person has threatened the physical safety of another and
23 has a history of one or more violent acts.

24 (27) "Mental disorder" means any organic, mental, or emotional
25 impairment that has substantial adverse effects on a person's cognitive
26 or volitional functions.

27 (28) "Mental health professional" means a psychiatrist,
28 psychologist, psychiatric nurse, or social worker, and such other
29 mental health professionals as may be defined by rules adopted by the
30 secretary under the authority of chapter 71.05 RCW.

31 (29) "Peace officer" means a law enforcement official of a public
32 agency or governmental unit, and includes persons specifically given
33 peace officer powers by any state law, local ordinance, or judicial
34 order of appointment.

35 (30) "Person in charge" means a physician or chemical dependency
36 counselor as defined in rule by the department, who is empowered by a
37 certified treatment program with authority to make assessment,

1 admission, continuing care, and discharge decisions on behalf of the
2 certified program.

3 (31) "Private agency" means any person, partnership, corporation,
4 or association that is not a public agency, whether or not financed in
5 whole or in part by public funds, that constitutes an evaluation and
6 treatment facility or private institution, or hospital, or approved
7 treatment program, that is conducted for, or includes a department or
8 ward conducted for, the care and treatment of persons who are mentally
9 ill and/or chemically dependent.

10 (32) "Professional person" means a mental health professional or
11 chemical dependency professional and shall also mean a physician,
12 registered nurse, and such others as may be defined by rules adopted by
13 the secretary pursuant to the provisions of this chapter.

14 (33) "Psychiatrist" means a person having a license as a physician
15 and surgeon in this state who has in addition completed three years of
16 graduate training in psychiatry in a program approved by the American
17 medical association or the American osteopathic association and is
18 certified or eligible to be certified by the American board of
19 psychiatry and neurology.

20 (34) "Psychologist" means a person who has been licensed as a
21 psychologist under chapter 18.83 RCW.

22 (35) "Public agency" means any evaluation and treatment facility or
23 institution, or hospital, or approved treatment program that is
24 conducted for, or includes a department or ward conducted for, the care
25 and treatment of persons who are mentally ill and/or chemically
26 dependent, if the agency is operated directly by federal, state,
27 county, or municipal government, or a combination of such governments.

28 (36) "Registration records" means all the records of the
29 department, regional support networks, treatment facilities, and other
30 persons providing services to the department, county departments, or
31 facilities which identify persons who are receiving or who at any time
32 have received services for mental illness.

33 (37) "Release" means legal termination of the commitment under
34 chapter 70.96A or 71.05 RCW or this chapter.

35 (38) "Secretary" means the secretary of the department or the
36 secretary's designee.

37 (39) "Secure detoxification facility" means a facility operated by
38 either a public or private agency or by the program of an agency that

1 serves the purpose of providing evaluation and assessment, and acute
2 and/or subacute detoxification services for intoxicated persons and
3 includes security measures sufficient to protect the patients, staff,
4 and community.

5 (40) "Social worker" means a person with a master's or further
6 advanced degree from (~~(an accredited school of social work or a degree~~
7 ~~deemed equivalent under rules adopted by the secretary)) a social work
8 educational program accredited and approved as provided in section 2 of
9 this act.~~

10 (41) "Treatment records" means registration records and all other
11 records concerning persons who are receiving or who at any time have
12 received services for mental illness, which are maintained by the
13 department, by regional support networks and their staffs, and by
14 treatment facilities. Treatment records do not include notes or
15 records maintained for personal use by a person providing treatment
16 services for the department, regional support networks, or a treatment
17 facility if the notes or records are not available to others.

18 (42) "Violent act" means behavior that resulted in homicide,
19 attempted suicide, nonfatal injuries, or substantial damage to
20 property.

21 **Sec. 11.** RCW 70.97.010 and 2005 c 504 s 403 are each amended to
22 read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Antipsychotic medications" means that class of drugs primarily
26 used to treat serious manifestations of mental illness associated with
27 thought disorders, which includes but is not limited to atypical
28 antipsychotic medications.

29 (2) "Attending staff" means any person on the staff of a public or
30 private agency having responsibility for the care and treatment of a
31 patient.

32 (3) "Chemical dependency" means alcoholism, drug addiction, or
33 dependence on alcohol and one or more other psychoactive chemicals, as
34 the context requires and as those terms are defined in chapter 70.96A
35 RCW.

36 (4) "Chemical dependency professional" means a person certified as

1 a chemical dependency professional by the department of health under
2 chapter 18.205 RCW.

3 (5) "Commitment" means the determination by a court that an
4 individual should be detained for a period of either evaluation or
5 treatment, or both, in an inpatient or a less restrictive setting.

6 (6) "Conditional release" means a modification of a commitment that
7 may be revoked upon violation of any of its terms.

8 (7) "Custody" means involuntary detention under chapter 71.05 or
9 70.96A RCW, uninterrupted by any period of unconditional release from
10 commitment from a facility providing involuntary care and treatment.

11 (8) "Department" means the department of social and health
12 services.

13 (9) "Designated responder" means a designated mental health
14 professional, a designated chemical dependency specialist, or a
15 designated crisis responder as those terms are defined in chapter
16 70.96A, 71.05, or 70.96B RCW.

17 (10) "Detention" or "detain" means the lawful confinement of an
18 individual under chapter 70.96A or 71.05 RCW.

19 (11) "Discharge" means the termination of facility authority. The
20 commitment may remain in place, be terminated, or be amended by court
21 order.

22 (12) "Enhanced services facility" means a facility that provides
23 treatment and services to persons for whom acute inpatient treatment is
24 not medically necessary and who have been determined by the department
25 to be inappropriate for placement in other licensed facilities due to
26 the complex needs that result in behavioral and security issues.

27 (13) "Expanded community services program" means a nonsecure
28 program of enhanced behavioral and residential support provided to
29 long-term and residential care providers serving specifically eligible
30 clients who would otherwise be at risk for hospitalization at state
31 hospital geriatric units.

32 (14) "Facility" means an enhanced services facility.

33 (15) "Gravely disabled" means a condition in which an individual,
34 as a result of a mental disorder, as a result of the use of alcohol or
35 other psychoactive chemicals, or both:

36 (a) Is in danger of serious physical harm resulting from a failure
37 to provide for his or her essential human needs of health or safety; or

1 (b) Manifests severe deterioration in routine functioning evidenced
2 by repeated and escalating loss of cognitive or volitional control over
3 his or her actions and is not receiving such care as is essential for
4 his or her health or safety.

5 (16) "History of one or more violent acts" refers to the period of
6 time ten years before the filing of a petition under this chapter, or
7 chapter 70.96A or 71.05 RCW, excluding any time spent, but not any
8 violent acts committed, in a mental health facility or a long-term
9 alcoholism or drug treatment facility, or in confinement as a result of
10 a criminal conviction.

11 (17) "Licensed physician" means a person licensed to practice
12 medicine or osteopathic medicine and surgery in the state of
13 Washington.

14 (18) "Likelihood of serious harm" means:

15 (a) A substantial risk that:

16 (i) Physical harm will be inflicted by an individual upon his or
17 her own person, as evidenced by threats or attempts to commit suicide
18 or inflict physical harm on oneself;

19 (ii) Physical harm will be inflicted by an individual upon another,
20 as evidenced by behavior that has caused such harm or that places
21 another person or persons in reasonable fear of sustaining such harm;
22 or

23 (iii) Physical harm will be inflicted by an individual upon the
24 property of others, as evidenced by behavior that has caused
25 substantial loss or damage to the property of others; or

26 (b) The individual has threatened the physical safety of another
27 and has a history of one or more violent acts.

28 (19) "Mental disorder" means any organic, mental, or emotional
29 impairment that has substantial adverse effects on an individual's
30 cognitive or volitional functions.

31 (20) "Mental health professional" means a psychiatrist,
32 psychologist, psychiatric nurse, or social worker, and such other
33 mental health professionals as may be defined by rules adopted by the
34 secretary under the authority of chapter 71.05 RCW.

35 (21) "Professional person" means a mental health professional and
36 also means a physician, registered nurse, and such others as may be
37 defined in rules adopted by the secretary pursuant to the provisions of
38 this chapter.

1 (22) "Psychiatrist" means a person having a license as a physician
2 and surgeon in this state who has in addition completed three years of
3 graduate training in psychiatry in a program approved by the American
4 medical association or the American osteopathic association and is
5 certified or eligible to be certified by the American board of
6 psychiatry and neurology.

7 (23) "Psychologist" means a person who has been licensed as a
8 psychologist under chapter 18.83 RCW.

9 (24) "Registration records" include all the records of the
10 department, regional support networks, treatment facilities, and other
11 persons providing services to the department, county departments, or
12 facilities which identify individuals who are receiving or who at any
13 time have received services for mental illness.

14 (25) "Release" means legal termination of the commitment under
15 chapter 70.96A or 71.05 RCW.

16 (26) "Resident" means a person admitted to an enhanced services
17 facility.

18 (27) "Secretary" means the secretary of the department or the
19 secretary's designee.

20 (28) "Significant change" means:

21 (a) A deterioration in a resident's physical, mental, or
22 psychosocial condition that has caused or is likely to cause clinical
23 complications or life-threatening conditions; or

24 (b) An improvement in the resident's physical, mental, or
25 psychosocial condition that may make the resident eligible for release
26 or for treatment in a less intensive or less secure setting.

27 (29) "Social worker" means a person with a master's or further
28 advanced degree from (~~(an accredited school of social work or a degree~~
29 ~~deemed equivalent under rules adopted by the secretary)) a social work
30 educational program accredited and approved as provided in section 2 of
31 this act.~~

32 (30) "Treatment" means the broad range of emergency,
33 detoxification, residential, inpatient, and outpatient services and
34 care, including diagnostic evaluation, mental health or chemical
35 dependency education and counseling, medical, psychiatric,
36 psychological, and social service care, vocational rehabilitation, and
37 career counseling, which may be extended to persons with mental
38 disorders, chemical dependency disorders, or both, and their families.

1 (31) "Treatment records" include registration and all other records
2 concerning individuals who are receiving or who at any time have
3 received services for mental illness, which are maintained by the
4 department, by regional support networks and their staffs, and by
5 treatment facilities. "Treatment records" do not include notes or
6 records maintained for personal use by an individual providing
7 treatment services for the department, regional support networks, or a
8 treatment facility if the notes or records are not available to others.

9 (32) "Violent act" means behavior that resulted in homicide,
10 attempted suicide, nonfatal injuries, or substantial damage to
11 property.

12 **Sec. 12.** RCW 70.126.020 and 1984 c 22 s 5 are each amended to read
13 as follows:

14 (1) Home health care shall be provided by a home health agency and
15 shall:

16 (a) Be delivered by a registered nurse, physical therapist,
17 occupational therapist, speech therapist, or home health aide on a
18 part-time or intermittent basis;

19 (b) Include, as applicable under the written plan, supplies and
20 equipment such as:

21 (i) Drugs and medicines that are legally obtainable only upon a
22 physician's written prescription, and insulin;

23 (ii) Rental of durable medical apparatus and medical equipment such
24 as wheelchairs, hospital beds, respirators, splints, trusses, braces,
25 or crutches needed for treatment;

26 (iii) Supplies normally used for hospital inpatients and dispensed
27 by the home health agency such as oxygen, catheters, needles, syringes,
28 dressings, materials used in aseptic techniques, irrigation solutions,
29 and intravenous fluids.

30 (2) The following services may be included when medically
31 necessary, ordered by the attending physician, and included in the
32 approved plan of treatment:

33 (a) Licensed practical nurses;

34 (b) Respiratory therapists;

35 (c) Social workers holding a master's degree or further advanced
36 degree from a social work educational program accredited and approved
37 as provided in section 2 of this act;

1 (d) Ambulance service that is certified by the physician as
2 necessary in the approved plan of treatment because of the patient's
3 physical condition or for unexpected emergency situations.

4 (3) Services not included in home health care include:

5 (a) Nonmedical, custodial, or housekeeping services except by home
6 health aides as ordered in the approved plan of treatment;

7 (b) "Meals on Wheels" or similar food services;

8 (c) Nutritional guidance;

9 (d) Services performed by family members;

10 (e) Services not included in an approved plan of treatment;

11 (f) Supportive environmental materials such as handrails, ramps,
12 telephones, air conditioners, and similar appliances and devices.

13 **Sec. 13.** RCW 70.127.010 and 2003 c 140 s 7 are each amended to
14 read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Administrator" means an individual responsible for managing
18 the operation of an agency.

19 (2) "Department" means the department of health.

20 (3) "Director of clinical services" means an individual responsible
21 for nursing, therapy, nutritional, social, and related services that
22 support the plan of care provided by in-home health and hospice
23 agencies.

24 (4) "Family" means individuals who are important to, and designated
25 by, the patient or client and who need not be relatives.

26 (5) "Home care agency" means a person administering or providing
27 home care services directly or through a contract arrangement to
28 individuals in places of temporary or permanent residence. A home care
29 agency that provides delegated tasks of nursing under RCW
30 18.79.260(3)(e) is not considered a home health agency for the purposes
31 of this chapter.

32 (6) "Home care services" means nonmedical services and assistance
33 provided to ill, disabled, or vulnerable individuals that enable them
34 to remain in their residences. Home care services include, but are not
35 limited to: Personal care such as assistance with dressing, feeding,
36 and personal hygiene to facilitate self-care; homemaker assistance with
37 household tasks, such as housekeeping, shopping, meal planning and

1 preparation, and transportation; respite care assistance and support
2 provided to the family; or other nonmedical services or delegated tasks
3 of nursing under RCW 18.79.260(3)(e).

4 (7) "Home health agency" means a person administering or providing
5 two or more home health services directly or through a contract
6 arrangement to individuals in places of temporary or permanent
7 residence. A person administering or providing nursing services only
8 may elect to be designated a home health agency for purposes of
9 licensure.

10 (8) "Home health services" means services provided to ill,
11 disabled, or vulnerable individuals. These services include but are
12 not limited to nursing services, home health aide services, physical
13 therapy services, occupational therapy services, speech therapy
14 services, respiratory therapy services, nutritional services, medical
15 social services, and home medical supplies or equipment services.

16 (9) "Home health aide services" means services provided by a home
17 health agency or a hospice agency under the supervision of a registered
18 nurse, physical therapist, occupational therapist, or speech therapist
19 who is employed by or under contract to a home health or hospice
20 agency. Such care includes ambulation and exercise, assistance with
21 self-administered medications, reporting changes in patients'
22 conditions and needs, completing appropriate records, and personal care
23 or homemaker services.

24 (10) "Home medical supplies" or "equipment services" means
25 diagnostic, treatment, and monitoring equipment and supplies provided
26 for the direct care of individuals within a plan of care.

27 (11) "Hospice agency" means a person administering or providing
28 hospice services directly or through a contract arrangement to
29 individuals in places of temporary or permanent residence under the
30 direction of an interdisciplinary team composed of at least a nurse,
31 social worker, physician, spiritual counselor, and a volunteer.

32 (12) "Hospice care center" means a homelike, noninstitutional
33 facility where hospice services are provided, and that meets the
34 requirements for operation under RCW 70.127.280.

35 (13) "Hospice services" means symptom and pain management provided
36 to a terminally ill individual, and emotional, spiritual, and
37 bereavement support for the individual and family in a place of

1 temporary or permanent residence, and may include the provision of home
2 health and home care services for the terminally ill individual.

3 (14) "In-home services agency" means a person licensed to
4 administer or provide home health, home care, hospice services, or
5 hospice care center services directly or through a contract arrangement
6 to individuals in a place of temporary or permanent residence.

7 (15) "Person" means any individual, business, firm, partnership,
8 corporation, company, association, joint stock association, public or
9 private agency or organization, or the legal successor thereof that
10 employs or contracts with two or more individuals.

11 (16) "Plan of care" means a written document based on assessment of
12 individual needs that identifies services to meet these needs.

13 (17) "Quality improvement" means reviewing and evaluating
14 appropriateness and effectiveness of services provided under this
15 chapter.

16 (18) "Service area" means the geographic area in which the
17 department has given prior approval to a licensee to provide home
18 health, hospice, or home care services.

19 (19) "Social worker" means a person with a master's or further
20 advanced degree from a social work educational program accredited and
21 approved as provided in section 2 of this act.

22 (20) "Survey" means an inspection conducted by the department to
23 evaluate and monitor an agency's compliance with this chapter.

24 **Sec. 14.** RCW 71.05.020 and 2009 c 320 s 1 and 2009 c 217 s 20 are
25 each reenacted and amended to read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Admission" or "admit" means a decision by a physician or
29 psychiatric advanced registered nurse practitioner that a person should
30 be examined or treated as a patient in a hospital;

31 (2) "Antipsychotic medications" means that class of drugs primarily
32 used to treat serious manifestations of mental illness associated with
33 thought disorders, which includes, but is not limited to atypical
34 antipsychotic medications;

35 (3) "Attending staff" means any person on the staff of a public or
36 private agency having responsibility for the care and treatment of a
37 patient;

1 (4) "Commitment" means the determination by a court that a person
2 should be detained for a period of either evaluation or treatment, or
3 both, in an inpatient or a less restrictive setting;

4 (5) "Conditional release" means a revocable modification of a
5 commitment, which may be revoked upon violation of any of its terms;

6 (6) "Crisis stabilization unit" means a short-term facility or a
7 portion of a facility licensed by the department of health and
8 certified by the department of social and health services under RCW
9 71.24.035, such as an evaluation and treatment facility or a hospital,
10 which has been designed to assess, diagnose, and treat individuals
11 experiencing an acute crisis without the use of long-term
12 hospitalization;

13 (7) "Custody" means involuntary detention under the provisions of
14 this chapter or chapter 10.77 RCW, uninterrupted by any period of
15 unconditional release from commitment from a facility providing
16 involuntary care and treatment;

17 (8) "Department" means the department of social and health
18 services;

19 (9) "Designated chemical dependency specialist" means a person
20 designated by the county alcoholism and other drug addiction program
21 coordinator designated under RCW 70.96A.310 to perform the commitment
22 duties described in chapters 70.96A and 70.96B RCW;

23 (10) "Designated crisis responder" means a mental health
24 professional appointed by the county or the regional support network to
25 perform the duties specified in this chapter;

26 (11) "Designated mental health professional" means a mental health
27 professional designated by the county or other authority authorized in
28 rule to perform the duties specified in this chapter;

29 (12) "Detention" or "detain" means the lawful confinement of a
30 person, under the provisions of this chapter;

31 (13) "Developmental disabilities professional" means a person who
32 has specialized training and three years of experience in directly
33 treating or working with persons with developmental disabilities and is
34 a psychiatrist, psychologist, psychiatric advanced registered nurse
35 practitioner, or social worker, and such other developmental
36 disabilities professionals as may be defined by rules adopted by the
37 secretary;

1 (14) "Developmental disability" means that condition defined in RCW
2 71A.10.020(3);

3 (15) "Discharge" means the termination of hospital medical
4 authority. The commitment may remain in place, be terminated, or be
5 amended by court order;

6 (16) "Evaluation and treatment facility" means any facility which
7 can provide directly, or by direct arrangement with other public or
8 private agencies, emergency evaluation and treatment, outpatient care,
9 and timely and appropriate inpatient care to persons suffering from a
10 mental disorder, and which is certified as such by the department. A
11 physically separate and separately operated portion of a state hospital
12 may be designated as an evaluation and treatment facility. A facility
13 which is part of, or operated by, the department or any federal agency
14 will not require certification. No correctional institution or
15 facility, or jail, shall be an evaluation and treatment facility within
16 the meaning of this chapter;

17 (17) "Gravely disabled" means a condition in which a person, as a
18 result of a mental disorder: (a) Is in danger of serious physical harm
19 resulting from a failure to provide for his or her essential human
20 needs of health or safety; or (b) manifests severe deterioration in
21 routine functioning evidenced by repeated and escalating loss of
22 cognitive or volitional control over his or her actions and is not
23 receiving such care as is essential for his or her health or safety;

24 (18) "Habilitative services" means those services provided by
25 program personnel to assist persons in acquiring and maintaining life
26 skills and in raising their levels of physical, mental, social, and
27 vocational functioning. Habilitative services include education,
28 training for employment, and therapy. The habilitative process shall
29 be undertaken with recognition of the risk to the public safety
30 presented by the person being assisted as manifested by prior charged
31 criminal conduct;

32 (19) "History of one or more violent acts" refers to the period of
33 time ten years prior to the filing of a petition under this chapter,
34 excluding any time spent, but not any violent acts committed, in a
35 mental health facility or in confinement as a result of a criminal
36 conviction;

37 (20) "Imminent" means the state or condition of being likely to
38 occur at any moment or near at hand, rather than distant or remote;

1 (21) "Individualized service plan" means a plan prepared by a
2 developmental disabilities professional with other professionals as a
3 team, for a person with developmental disabilities, which shall state:

4 (a) The nature of the person's specific problems, prior charged
5 criminal behavior, and habilitation needs;

6 (b) The conditions and strategies necessary to achieve the purposes
7 of habilitation;

8 (c) The intermediate and long-range goals of the habilitation
9 program, with a projected timetable for the attainment;

10 (d) The rationale for using this plan of habilitation to achieve
11 those intermediate and long-range goals;

12 (e) The staff responsible for carrying out the plan;

13 (f) Where relevant in light of past criminal behavior and due
14 consideration for public safety, the criteria for proposed movement to
15 less-restrictive settings, criteria for proposed eventual discharge or
16 release, and a projected possible date for discharge or release; and

17 (g) The type of residence immediately anticipated for the person
18 and possible future types of residences;

19 (22) "Information related to mental health services" means all
20 information and records compiled, obtained, or maintained in the course
21 of providing services to either voluntary or involuntary recipients of
22 services by a mental health service provider. This may include
23 documents of legal proceedings under this chapter or chapter 71.34 or
24 10.77 RCW, or somatic health care information;

25 (23) "Judicial commitment" means a commitment by a court pursuant
26 to the provisions of this chapter;

27 (24) "Legal counsel" means attorneys and staff employed by county
28 prosecutor offices or the state attorney general acting in their
29 capacity as legal representatives of public mental health service
30 providers under RCW 71.05.130;

31 (25) "Likelihood of serious harm" means:

32 (a) A substantial risk that: (i) Physical harm will be inflicted
33 by a person upon his or her own person, as evidenced by threats or
34 attempts to commit suicide or inflict physical harm on oneself; (ii)
35 physical harm will be inflicted by a person upon another, as evidenced
36 by behavior which has caused such harm or which places another person
37 or persons in reasonable fear of sustaining such harm; or (iii)

1 physical harm will be inflicted by a person upon the property of
2 others, as evidenced by behavior which has caused substantial loss or
3 damage to the property of others; or

4 (b) The person has threatened the physical safety of another and
5 has a history of one or more violent acts;

6 (26) "Mental disorder" means any organic, mental, or emotional
7 impairment which has substantial adverse effects on a person's
8 cognitive or volitional functions;

9 (27) "Mental health professional" means a psychiatrist,
10 psychologist, psychiatric advanced registered nurse practitioner,
11 psychiatric nurse, or social worker, and such other mental health
12 professionals as may be defined by rules adopted by the secretary
13 pursuant to the provisions of this chapter;

14 (28) "Mental health service provider" means a public or private
15 agency that provides mental health services to persons with mental
16 disorders as defined under this section and receives funding from
17 public sources. This includes, but is not limited to, hospitals
18 licensed under chapter 70.41 RCW, evaluation and treatment facilities
19 as defined in this section, community mental health service delivery
20 systems or community mental health programs as defined in RCW
21 71.24.025, facilities conducting competency evaluations and restoration
22 under chapter 10.77 RCW, and correctional facilities operated by state
23 and local governments;

24 (29) "Peace officer" means a law enforcement official of a public
25 agency or governmental unit, and includes persons specifically given
26 peace officer powers by any state law, local ordinance, or judicial
27 order of appointment;

28 (30) "Private agency" means any person, partnership, corporation,
29 or association that is not a public agency, whether or not financed in
30 whole or in part by public funds, which constitutes an evaluation and
31 treatment facility or private institution, or hospital, which is
32 conducted for, or includes a department or ward conducted for, the care
33 and treatment of persons who are mentally ill;

34 (31) "Professional person" means a mental health professional and
35 shall also mean a physician, psychiatric advanced registered nurse
36 practitioner, registered nurse, and such others as may be defined by
37 rules adopted by the secretary pursuant to the provisions of this
38 chapter;

1 (32) "Psychiatric advanced registered nurse practitioner" means a
2 person who is licensed as an advanced registered nurse practitioner
3 pursuant to chapter 18.79 RCW; and who is board certified in advanced
4 practice psychiatric and mental health nursing;

5 (33) "Psychiatrist" means a person having a license as a physician
6 and surgeon in this state who has in addition completed three years of
7 graduate training in psychiatry in a program approved by the American
8 medical association or the American osteopathic association and is
9 certified or eligible to be certified by the American board of
10 psychiatry and neurology;

11 (34) "Psychologist" means a person who has been licensed as a
12 psychologist pursuant to chapter 18.83 RCW;

13 (35) "Public agency" means any evaluation and treatment facility or
14 institution, or hospital which is conducted for, or includes a
15 department or ward conducted for, the care and treatment of persons
16 with mental illness, if the agency is operated directly by, federal,
17 state, county, or municipal government, or a combination of such
18 governments;

19 (36) "Registration records" include all the records of the
20 department, regional support networks, treatment facilities, and other
21 persons providing services to the department, county departments, or
22 facilities which identify persons who are receiving or who at any time
23 have received services for mental illness;

24 (37) "Release" means legal termination of the commitment under the
25 provisions of this chapter;

26 (38) "Resource management services" has the meaning given in
27 chapter 71.24 RCW;

28 (39) "Secretary" means the secretary of the department of social
29 and health services, or his or her designee;

30 (40) "Serious violent offense" has the same meaning as provided in
31 RCW 9.94A.030;

32 (41) "Social worker" means a person with a master's or further
33 advanced degree from (~~(an accredited school of social work or a degree~~
34 ~~deemed equivalent under rules adopted by the secretary)) a social work
35 educational program accredited and approved as provided in section 2 of
36 this act;~~

37 (42) "Therapeutic court personnel" means the staff of a mental
38 health court or other therapeutic court which has jurisdiction over

1 defendants who are dually diagnosed with mental disorders, including
2 court personnel, probation officers, a court monitor, prosecuting
3 attorney, or defense counsel acting within the scope of therapeutic
4 court duties;

5 (43) "Treatment records" include registration and all other records
6 concerning persons who are receiving or who at any time have received
7 services for mental illness, which are maintained by the department, by
8 regional support networks and their staffs, and by treatment
9 facilities. Treatment records include mental health information
10 contained in a medical bill including but not limited to mental health
11 drugs, a mental health diagnosis, provider name, and dates of service
12 stemming from a medical service. Treatment records do not include
13 notes or records maintained for personal use by a person providing
14 treatment services for the department, regional support networks, or a
15 treatment facility if the notes or records are not available to others;

16 (44) "Violent act" means behavior that resulted in homicide,
17 attempted suicide, nonfatal injuries, or substantial damage to
18 property.

19 **Sec. 15.** RCW 71.32.020 and 2003 c 283 s 2 are each amended to read
20 as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (1) "Adult" means any individual who has attained the age of
24 majority or is an emancipated minor.

25 (2) "Agent" has the same meaning as an attorney-in-fact or agent as
26 provided in chapter 11.94 RCW.

27 (3) "Capacity" means that an adult has not been found to be
28 incapacitated pursuant to this chapter or RCW 11.88.010(1)(e).

29 (4) "Court" means a superior court under chapter 2.08 RCW.

30 (5) "Health care facility" means a hospital, as defined in RCW
31 70.41.020; an institution, as defined in RCW 71.12.455; a state
32 hospital, as defined in RCW 72.23.010; a nursing home, as defined in
33 RCW 18.51.010; or a clinic that is part of a community mental health
34 service delivery system, as defined in RCW 71.24.025.

35 (6) "Health care provider" means an osteopathic physician or
36 osteopathic physician's assistant licensed under chapter 18.57 or

1 18.57A RCW, a physician or physician's assistant licensed under chapter
2 18.71 or 18.71A RCW, or an advanced registered nurse practitioner
3 licensed under RCW 18.79.050.

4 (7) "Incapacitated" means an adult who: (a) Is unable to
5 understand the nature, character, and anticipated results of proposed
6 treatment or alternatives; understand the recognized serious possible
7 risks, complications, and anticipated benefits in treatments and
8 alternatives, including nontreatment; or communicate his or her
9 understanding or treatment decisions; or (b) has been found to be
10 incompetent pursuant to RCW 11.88.010(1)(e).

11 (8) "Informed consent" means consent that is given after the
12 person: (a) Is provided with a description of the nature, character,
13 and anticipated results of proposed treatments and alternatives, and
14 the recognized serious possible risks, complications, and anticipated
15 benefits in the treatments and alternatives, including nontreatment, in
16 language that the person can reasonably be expected to understand; or
17 (b) elects not to be given the information included in (a) of this
18 subsection.

19 (9) "Long-term care facility" has the same meaning as defined in
20 RCW 43.190.020.

21 (10) "Mental disorder" means any organic, mental, or emotional
22 impairment which has substantial adverse effects on an individual's
23 cognitive or volitional functions.

24 (11) "Mental health advance directive" or "directive" means a
25 written document in which the principal makes a declaration of
26 instructions or preferences or appoints an agent to make decisions on
27 behalf of the principal regarding the principal's mental health
28 treatment, or both, and that is consistent with the provisions of this
29 chapter.

30 (12) "Mental health professional" means a psychiatrist,
31 psychologist, psychiatric nurse, or social worker, and such other
32 mental health professionals as may be defined by rules adopted by the
33 secretary pursuant to the provisions of chapter 71.05 RCW.

34 (13) "Principal" means an adult who has executed a mental health
35 advance directive.

36 (14) "Professional person" means a mental health professional and
37 shall also mean a physician, registered nurse, and such others as may

1 be defined by rules adopted by the secretary pursuant to the provisions
2 of chapter 71.05 RCW.

3 (15) "Social worker" means a person with a master's or further
4 advanced degree from a social work educational program accredited and
5 approved as provided in section 2 of this act.

6 **Sec. 16.** RCW 71.34.020 and 2006 c 93 s 2 are each amended to read
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Child psychiatrist" means a person having a license as a
11 physician and surgeon in this state, who has had graduate training in
12 child psychiatry in a program approved by the American Medical
13 Association or the American Osteopathic Association, and who is board
14 eligible or board certified in child psychiatry.

15 (2) "Children's mental health specialist" means:

16 (a) A mental health professional who has completed a minimum of one
17 hundred actual hours, not quarter or semester hours, of specialized
18 training devoted to the study of child development and the treatment of
19 children; and

20 (b) A mental health professional who has the equivalent of one year
21 of full-time experience in the treatment of children under the
22 supervision of a children's mental health specialist.

23 (3) "Commitment" means a determination by a judge or court
24 commissioner, made after a commitment hearing, that the minor is in
25 need of inpatient diagnosis, evaluation, or treatment or that the minor
26 is in need of less restrictive alternative treatment.

27 (4) "Designated mental health professional" means a mental health
28 professional designated by one or more counties to perform the
29 functions of a designated mental health professional described in this
30 chapter.

31 (5) "Department" means the department of social and health
32 services.

33 (6) "Evaluation and treatment facility" means a public or private
34 facility or unit that is certified by the department to provide
35 emergency, inpatient, residential, or outpatient mental health
36 evaluation and treatment services for minors. A physically separate
37 and separately-operated portion of a state hospital may be designated

1 as an evaluation and treatment facility for minors. A facility which
2 is part of or operated by the department or federal agency does not
3 require certification. No correctional institution or facility,
4 juvenile court detention facility, or jail may be an evaluation and
5 treatment facility within the meaning of this chapter.

6 (7) "Evaluation and treatment program" means the total system of
7 services and facilities coordinated and approved by a county or
8 combination of counties for the evaluation and treatment of minors
9 under this chapter.

10 (8) "Gravely disabled minor" means a minor who, as a result of a
11 mental disorder, is in danger of serious physical harm resulting from
12 a failure to provide for his or her essential human needs of health or
13 safety, or manifests severe deterioration in routine functioning
14 evidenced by repeated and escalating loss of cognitive or volitional
15 control over his or her actions and is not receiving such care as is
16 essential for his or her health or safety.

17 (9) "Inpatient treatment" means twenty-four-hour-per-day mental
18 health care provided within a general hospital, psychiatric hospital,
19 or residential treatment facility certified by the department as an
20 evaluation and treatment facility for minors.

21 (10) "Less restrictive alternative" or "less restrictive setting"
22 means outpatient treatment provided to a minor who is not residing in
23 a facility providing inpatient treatment as defined in this chapter.

24 (11) "Likelihood of serious harm" means either: (a) A substantial
25 risk that physical harm will be inflicted by an individual upon his or
26 her own person, as evidenced by threats or attempts to commit suicide
27 or inflict physical harm on oneself; (b) a substantial risk that
28 physical harm will be inflicted by an individual upon another, as
29 evidenced by behavior which has caused such harm or which places
30 another person or persons in reasonable fear of sustaining such harm;
31 or (c) a substantial risk that physical harm will be inflicted by an
32 individual upon the property of others, as evidenced by behavior which
33 has caused substantial loss or damage to the property of others.

34 (12) "Medical necessity" for inpatient care means a requested
35 service which is reasonably calculated to: (a) Diagnose, correct,
36 cure, or alleviate a mental disorder; or (b) prevent the worsening of
37 mental conditions that endanger life or cause suffering and pain, or

1 result in illness or infirmity or threaten to cause or aggravate a
2 handicap, or cause physical deformity or malfunction, and there is no
3 adequate less restrictive alternative available.

4 (13) "Mental disorder" means any organic, mental, or emotional
5 impairment that has substantial adverse effects on an individual's
6 cognitive or volitional functions. The presence of alcohol abuse, drug
7 abuse, juvenile criminal history, antisocial behavior, or mental
8 retardation alone is insufficient to justify a finding of "mental
9 disorder" within the meaning of this section.

10 (14) "Mental health professional" means a psychiatrist,
11 psychologist, psychiatric nurse, or social worker, and such other
12 mental health professionals as may be defined by rules adopted by the
13 secretary under this chapter.

14 (15) "Minor" means any person under the age of eighteen years.

15 (16) "Outpatient treatment" means any of the nonresidential
16 services mandated under chapter 71.24 RCW and provided by licensed
17 services providers as identified by RCW 71.24.025.

18 (17) "Parent" means:

19 (a) A biological or adoptive parent who has legal custody of the
20 child, including either parent if custody is shared under a joint
21 custody agreement; or

22 (b) A person or agency judicially appointed as legal guardian or
23 custodian of the child.

24 (18) "Professional person in charge" or "professional person" means
25 a physician or other mental health professional empowered by an
26 evaluation and treatment facility with authority to make admission and
27 discharge decisions on behalf of that facility.

28 (19) "Psychiatric nurse" means a registered nurse who has a
29 bachelor's degree from an accredited college or university, and who has
30 had, in addition, at least two years' experience in the direct
31 treatment of mentally ill or emotionally disturbed persons, such
32 experience gained under the supervision of a mental health
33 professional. "Psychiatric nurse" shall also mean any other registered
34 nurse who has three years of such experience.

35 (20) "Psychiatrist" means a person having a license as a physician
36 in this state who has completed residency training in psychiatry in a
37 program approved by the American Medical Association or the American

1 Osteopathic Association, and is board eligible or board certified in
2 psychiatry.

3 (21) "Psychologist" means a person licensed as a psychologist under
4 chapter 18.83 RCW.

5 (22) "Responsible other" means the minor, the minor's parent or
6 estate, or any other person legally responsible for support of the
7 minor.

8 (23) "Secretary" means the secretary of the department or
9 secretary's designee.

10 (24) "Social worker" means a person with a master's or further
11 advanced degree from a social work educational program accredited and
12 approved as provided in section 2 of this act.

13 (25) "Start of initial detention" means the time of arrival of the
14 minor at the first evaluation and treatment facility offering inpatient
15 treatment if the minor is being involuntarily detained at the time.
16 With regard to voluntary patients, "start of initial detention" means
17 the time at which the minor gives notice of intent to leave under the
18 provisions of this chapter.

19 **Sec. 17.** RCW 74.34.020 and 2007 c 312 s 1 are each amended to read
20 as follows:

21 Unless the context clearly requires otherwise, the definitions in
22 this section apply throughout this chapter.

23 (1) "Abandonment" means action or inaction by a person or entity
24 with a duty of care for a vulnerable adult that leaves the vulnerable
25 person without the means or ability to obtain necessary food, clothing,
26 shelter, or health care.

27 (2) "Abuse" means the willful action or inaction that inflicts
28 injury, unreasonable confinement, intimidation, or punishment on a
29 vulnerable adult. In instances of abuse of a vulnerable adult who is
30 unable to express or demonstrate physical harm, pain, or mental
31 anguish, the abuse is presumed to cause physical harm, pain, or mental
32 anguish. Abuse includes sexual abuse, mental abuse, physical abuse,
33 and exploitation of a vulnerable adult, which have the following
34 meanings:

35 (a) "Sexual abuse" means any form of nonconsensual sexual contact,
36 including but not limited to unwanted or inappropriate touching, rape,
37 sodomy, sexual coercion, sexually explicit photographing, and sexual

1 harassment. Sexual abuse includes any sexual contact between a staff
2 person, who is not also a resident or client, of a facility or a staff
3 person of a program authorized under chapter 71A.12 RCW, and a
4 vulnerable adult living in that facility or receiving service from a
5 program authorized under chapter 71A.12 RCW, whether or not it is
6 consensual.

7 (b) "Physical abuse" means the willful action of inflicting bodily
8 injury or physical mistreatment. Physical abuse includes, but is not
9 limited to, striking with or without an object, slapping, pinching,
10 choking, kicking, shoving, prodding, or the use of chemical restraints
11 or physical restraints unless the restraints are consistent with
12 licensing requirements, and includes restraints that are otherwise
13 being used inappropriately.

14 (c) "Mental abuse" means any willful action or inaction of mental
15 or verbal abuse. Mental abuse includes, but is not limited to,
16 coercion, harassment, inappropriately isolating a vulnerable adult from
17 family, friends, or regular activity, and verbal assault that includes
18 ridiculing, intimidating, yelling, or swearing.

19 (d) "Exploitation" means an act of forcing, compelling, or exerting
20 undue influence over a vulnerable adult causing the vulnerable adult to
21 act in a way that is inconsistent with relevant past behavior, or
22 causing the vulnerable adult to perform services for the benefit of
23 another.

24 (3) "Consent" means express written consent granted after the
25 vulnerable adult or his or her legal representative has been fully
26 informed of the nature of the services to be offered and that the
27 receipt of services is voluntary.

28 (4) "Department" means the department of social and health
29 services.

30 (5) "Facility" means a residence licensed or required to be
31 licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW,
32 nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36
33 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation
34 centers; or any other facility licensed by the department.

35 (6) "Financial exploitation" means the illegal or improper use of
36 the property, income, resources, or trust funds of the vulnerable adult
37 by any person for any person's profit or advantage other than for the
38 vulnerable adult's profit or advantage.

1 (7) "Incapacitated person" means a person who is at a significant
2 risk of personal or financial harm under RCW 11.88.010(1) (a), (b),
3 (c), or (d).

4 (8) "Individual provider" means a person under contract with the
5 department to provide services in the home under chapter 74.09 or
6 74.39A RCW.

7 (9) "Interested person" means a person who demonstrates to the
8 court's satisfaction that the person is interested in the welfare of
9 the vulnerable adult, that the person has a good faith belief that the
10 court's intervention is necessary, and that the vulnerable adult is
11 unable, due to incapacity, undue influence, or duress at the time the
12 petition is filed, to protect his or her own interests.

13 (10) "Mandated reporter" is an employee of the department; law
14 enforcement officer; social worker; professional school personnel;
15 individual provider; an employee of a facility; an operator of a
16 facility; an employee of a social service, welfare, mental health,
17 adult day health, adult day care, home health, home care, or hospice
18 agency; county coroner or medical examiner; Christian Science
19 practitioner; or health care provider subject to chapter 18.130 RCW.

20 (11) "Neglect" means (a) a pattern of conduct or inaction by a
21 person or entity with a duty of care that fails to provide the goods
22 and services that maintain physical or mental health of a vulnerable
23 adult, or that fails to avoid or prevent physical or mental harm or
24 pain to a vulnerable adult; or (b) an act or omission that demonstrates
25 a serious disregard of consequences of such a magnitude as to
26 constitute a clear and present danger to the vulnerable adult's health,
27 welfare, or safety, including but not limited to conduct prohibited
28 under RCW 9A.42.100.

29 (12) "Permissive reporter" means any person, including, but not
30 limited to, an employee of a financial institution, attorney, or
31 volunteer in a facility or program providing services for vulnerable
32 adults.

33 (13) "Protective services" means any services provided by the
34 department to a vulnerable adult with the consent of the vulnerable
35 adult, or the legal representative of the vulnerable adult, who has
36 been abandoned, abused, financially exploited, neglected, or in a state
37 of self-neglect. These services may include, but are not limited to

1 case management, social casework, home care, placement, arranging for
2 medical evaluations, psychological evaluations, day care, or referral
3 for legal assistance.

4 (14) "Self-neglect" means the failure of a vulnerable adult, not
5 living in a facility, to provide for himself or herself the goods and
6 services necessary for the vulnerable adult's physical or mental
7 health, and the absence of which impairs or threatens the vulnerable
8 adult's well-being. This definition may include a vulnerable adult who
9 is receiving services through home health, hospice, or a home care
10 agency, or an individual provider when the neglect is not a result of
11 inaction by that agency or individual provider.

12 (15) "Social worker" means:
13 (a) A social worker as defined in section 2(2) of this act; or
14 (b) Anyone engaged in a professional capacity during the regular
15 course of employment in encouraging or promoting the health, welfare,
16 support, or education of vulnerable adults, or providing social
17 services to vulnerable adults, whether in an individual capacity or as
18 an employee or agent of any public or private organization or
19 institution.

20 (16) "Vulnerable adult" includes a person:
21 (a) Sixty years of age or older who has the functional, mental, or
22 physical inability to care for himself or herself; or
23 (b) Found incapacitated under chapter 11.88 RCW; or
24 (c) Who has a developmental disability as defined under RCW
25 71A.10.020; or
26 (d) Admitted to any facility; or
27 (e) Receiving services from home health, hospice, or home care
28 agencies licensed or required to be licensed under chapter 70.127 RCW;
29 or
30 (f) Receiving services from an individual provider.

31 **Sec. 18.** RCW 74.42.010 and 1994 sp.s. c 9 s 750 are each amended
32 to read as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

35 (1) "Department" means the department of social and health services
36 and the department's employees.

1 (2) "Facility" refers to a nursing home as defined in RCW
2 18.51.010.

3 (3) "Licensed practical nurse" means a person licensed to practice
4 practical nursing under chapter 18.79 RCW.

5 (4) "Medicaid" means Title XIX of the Social Security Act enacted
6 by the social security amendments of 1965 (42 U.S.C. Sec. 1396; 79
7 Stat. 343), as amended.

8 (5) "Nursing care" means that care provided by a registered nurse,
9 an advanced registered nurse practitioner, a licensed practical nurse,
10 or a nursing assistant in the regular performance of their duties.

11 (6) "Qualified therapist" means:

12 (a) An activities specialist who has specialized education,
13 training, or experience specified by the department.

14 (b) An audiologist who is eligible for a certificate of clinical
15 competence in audiology or who has the equivalent education and
16 clinical experience.

17 (c) A mental health professional as defined in chapter 71.05 RCW.

18 (d) A mental retardation professional who is a qualified therapist
19 or a therapist approved by the department and has specialized training
20 or one year experience in treating or working with the mentally
21 retarded or developmentally disabled.

22 (e) An occupational therapist who is a graduate of a program in
23 occupational therapy or who has equivalent education or training.

24 (f) A physical therapist as defined in chapter 18.74 RCW.

25 (g) A social worker (~~(who is a graduate of a school of social~~
26 ~~work)~~) as defined in section 2(2) of this act.

27 (h) A speech pathologist who is eligible for a certificate of
28 clinical competence in speech pathology or who has equivalent education
29 and clinical experience.

30 (7) "Registered nurse" means a person licensed to practice
31 registered nursing under chapter 18.79 RCW.

32 (8) "Resident" means an individual residing in a nursing home, as
33 defined in RCW 18.51.010.

34 (9) "Physician assistant" means a person practicing pursuant to
35 chapters 18.57A and 18.71A RCW.

36 (10) "Nurse practitioner" means a person licensed to practice
37 advanced registered nursing under chapter 18.79 RCW.

1 NEW SECTION. **Sec. 19.** Sections 1 through 3 of this act constitute
2 a new chapter in Title 18 RCW.

3 NEW SECTION. **Sec. 20.** This act takes effect July 1, 2011.

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