
HOUSE BILL 1811

State of Washington

69th Legislature

2025 Regular Session

By Representatives Salahuddin and Davis

1 AN ACT Relating to enhancing crisis response services through co-
2 response integration and support; amending RCW 5.60.060 and
3 51.32.181; reenacting and amending RCW 71.24.025; adding a new
4 section to chapter 71.24 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The goals of co-response are to de-
7 escalate situations, divert people from criminal justice and
8 emergency medical systems, and bring medical and behavioral health
9 care into the field to serve vulnerable populations.

10 Co-responders play a critical role in Washington's emergency
11 response landscape, promoting a crisis care delivery system that
12 appropriately responds to behavioral health emergencies and adapts to
13 complex needs at the nexus of health and behavioral health. As
14 Washington's crisis care delivery system continues to evolve, co-
15 responders should be integrated into new and existing programs and
16 legal frameworks in a way that consistently reflects their
17 contributions to the health and well-being of the people of
18 Washington and provides the necessary support for them to continue
19 their critical work.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.24
2 RCW to read as follows:

3 The University of Washington school of social work, in
4 consultation with the authority, shall collaborate with a statewide
5 organization focused on co-response outreach to develop a statewide
6 internal peer support program designed to assist co-response
7 professionals who have faced life-threatening or traumatic incidents
8 that occur while on the job.

9 **Sec. 3.** RCW 71.24.025 and 2024 c 368 s 2, 2024 c 367 s 1, and
10 2024 c 121 s 25 are each reenacted and amended to read as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "23-hour crisis relief center" means a community-based
14 facility or portion of a facility which is licensed or certified by
15 the department of health and open 24 hours a day, seven days a week,
16 offering access to mental health and substance use care for no more
17 than 23 hours and 59 minutes at a time per patient, and which accepts
18 all behavioral health crisis walk-ins drop-offs from first
19 responders, and individuals referred through the 988 system
20 regardless of behavioral health acuity, and meets the requirements
21 under RCW 71.24.916.

22 (2) "988 crisis hotline" means the universal telephone number
23 within the United States designated for the purpose of the national
24 suicide prevention and mental health crisis hotline system operating
25 through the national suicide prevention lifeline.

26 (3) "Acutely mentally ill" means a condition which is limited to
27 a short-term severe crisis episode of:

28 (a) A mental disorder as defined in RCW 71.05.020 or, in the case
29 of a child, as defined in RCW 71.34.020;

30 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the
31 case of a child, a gravely disabled minor as defined in RCW
32 71.34.020; or

33 (c) Presenting a likelihood of serious harm as defined in RCW
34 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

35 (4) "Alcoholism" means a disease, characterized by a dependency
36 on alcoholic beverages, loss of control over the amount and
37 circumstances of use, symptoms of tolerance, physiological or
38 psychological withdrawal, or both, if use is reduced or discontinued,

1 and impairment of health or disruption of social or economic
2 functioning.

3 (5) "Approved substance use disorder treatment program" means a
4 program for persons with a substance use disorder provided by a
5 treatment program licensed or certified by the department as meeting
6 standards adopted under this chapter.

7 (6) "Authority" means the Washington state health care authority.

8 (7) "Available resources" means funds appropriated for the
9 purpose of providing community behavioral health programs, federal
10 funds, except those provided according to Title XIX of the Social
11 Security Act, and state funds appropriated under this chapter or
12 chapter 71.05 RCW by the legislature during any biennium for the
13 purpose of providing residential services, resource management
14 services, community support services, and other behavioral health
15 services. This does not include funds appropriated for the purpose of
16 operating and administering the state psychiatric hospitals.

17 (8) "Behavioral health administrative services organization"
18 means an entity contracted with the authority to administer
19 behavioral health services and programs under RCW 71.24.381,
20 including crisis services and administration of chapter 71.05 RCW,
21 the involuntary treatment act, for all individuals in a defined
22 regional service area.

23 (9) "Behavioral health aide" means a counselor, health educator,
24 and advocate who helps address individual and community-based
25 behavioral health needs, including those related to alcohol, drug,
26 and tobacco abuse as well as mental health problems such as grief,
27 depression, suicide, and related issues and is certified by a
28 community health aide program of the Indian health service or one or
29 more tribes or tribal organizations consistent with the provisions of
30 25 U.S.C. Sec. 16161 and RCW 43.71B.010 (7) and (8).

31 (10) "Behavioral health provider" means a person licensed under
32 chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as
33 it applies to registered nurses and advanced practice registered
34 (~~nurse practitioners~~) nurses.

35 (11) "Behavioral health services" means mental health services,
36 substance use disorder treatment services, and co-occurring disorder
37 treatment services as described in this chapter and chapter 71.36 RCW
38 that, depending on the type of service, are provided by licensed or
39 certified behavioral health agencies, behavioral health providers, or
40 integrated into other health care providers.

1 (12) "Child" means a person under the age of 18 years.

2 (13) "Chronically mentally ill adult" or "adult who is
3 chronically mentally ill" means an adult who has a mental disorder
4 and meets at least one of the following criteria:

5 (a) Has undergone two or more episodes of hospital care for a
6 mental disorder within the preceding two years; or

7 (b) Has experienced a continuous behavioral health
8 hospitalization or residential treatment exceeding six months'
9 duration within the preceding year; or

10 (c) Has been unable to engage in any substantial gainful activity
11 by reason of any mental disorder which has lasted for a continuous
12 period of not less than 12 months. "Substantial gainful activity"
13 shall be defined by the authority by rule consistent with Public Law
14 92-603, as amended.

15 (14) "Clubhouse" means a community-based program that provides
16 rehabilitation services and is licensed or certified by the
17 department.

18 (15) "Co-response" means a multidisciplinary partnership between
19 first responders and human services professionals that responds to
20 emergency situations involving behavioral health crises and people
21 experiencing complex medical needs. First responders participating in
22 co-response include public safety telecommunicators, law enforcement
23 officers, firefighters, emergency medical technicians, and
24 paramedics. Human services professionals participating in co-response
25 include social workers, behavioral health clinicians, advanced
26 practice registered nurses, registered nurses, community health
27 workers, and peer support specialists. Co-responders may provide
28 call-for-service crisis response and follow-up care including case
29 management, resource navigation, and transportation.

30 (16) "Community behavioral health program" means all
31 expenditures, services, activities, or programs, including reasonable
32 administration and overhead, designed and conducted to prevent or
33 treat substance use disorder, mental illness, or both in the
34 community behavioral health system.

35 ((+16+)) (17) "Community behavioral health service delivery
36 system" means public, private, or tribal agencies that provide
37 services specifically to persons with mental disorders, substance use
38 disorders, or both, as defined under RCW 71.05.020 and receive
39 funding from public sources.

1 ~~((17))~~ (18) "Community support services" means services
2 authorized, planned, and coordinated through resource management
3 services including, at a minimum, assessment, diagnosis, emergency
4 crisis intervention available 24 hours, seven days a week,
5 prescreening determinations for persons who are mentally ill being
6 considered for placement in nursing homes as required by federal law,
7 screening for patients being considered for admission to residential
8 services, diagnosis and treatment for children who are acutely
9 mentally ill or severely emotionally or behaviorally disturbed
10 discovered under screening through the federal Title XIX early and
11 periodic screening, diagnosis, and treatment program, investigation,
12 legal, and other nonresidential services under chapter 71.05 RCW,
13 case management services, psychiatric treatment including medication
14 supervision, counseling, psychotherapy, assuring transfer of relevant
15 patient information between service providers, recovery services, and
16 other services determined by behavioral health administrative
17 services organizations.

18 ~~((18))~~ (19) "Community-based crisis team" means a team that is
19 part of an emergency medical services agency, a fire service agency,
20 a public health agency, a medical facility, a nonprofit crisis
21 response provider, or a city or county government entity, other than
22 a law enforcement agency, that provides the on-site community-based
23 interventions of a mobile rapid response crisis team for individuals
24 who are experiencing a behavioral health crisis.

25 ~~((19))~~ (20) "Consensus-based" means a program or practice that
26 has general support among treatment providers and experts, based on
27 experience or professional literature, and may have anecdotal or case
28 study support, or that is agreed but not possible to perform studies
29 with random assignment and controlled groups.

30 ~~((20))~~ (21) "Coordinated regional behavioral health crisis
31 response system" means the coordinated operation of 988 call centers,
32 regional crisis lines, certified public safety telecommunicators, and
33 other behavioral health crisis system partners within each regional
34 service area.

35 ~~((21))~~ (22) "County authority" means the board of county
36 commissioners, county council, or county executive having authority
37 to establish a behavioral health administrative services
38 organization, or two or more of the county authorities specified in
39 this subsection which have entered into an agreement to establish a
40 behavioral health administrative services organization.

1 ~~((22))~~ (23) "Crisis stabilization services" means services such
2 as 23-hour crisis relief centers, crisis stabilization units, short-
3 term respite facilities, peer-run respite services, and same-day
4 walk-in behavioral health services, including within the overall
5 crisis system components that operate like hospital emergency
6 departments that accept all walk-ins, and ambulance, fire, and police
7 drop-offs, or determine the need for involuntary hospitalization of
8 an individual.

9 ~~((23))~~ (24) "Crisis stabilization unit" has the same meaning as
10 under RCW 71.05.020.

11 ~~((24))~~ (25) "Department" means the department of health.

12 ~~((25))~~ (26) "Designated 988 contact hub" or "988 contact hub"
13 means a state-designated contact center that streamlines clinical
14 interventions and access to resources for people experiencing a
15 behavioral health crisis and participates in the national suicide
16 prevention lifeline network to respond to statewide or regional 988
17 contacts that meets the requirements of RCW 71.24.890.

18 ~~((26))~~ (27) "Designated crisis responder" has the same meaning
19 as in RCW 71.05.020.

20 ~~((27))~~ (28) "Director" means the director of the authority.

21 ~~((28))~~ (29) "Drug addiction" means a disease characterized by a
22 dependency on psychoactive chemicals, loss of control over the amount
23 and circumstances of use, symptoms of tolerance, physiological or
24 psychological withdrawal, or both, if use is reduced or discontinued,
25 and impairment of health or disruption of social or economic
26 functioning.

27 ~~((29))~~ (30) "Early adopter" means a regional service area for
28 which all of the county authorities have requested that the authority
29 purchase medical and behavioral health services through a managed
30 care health system as defined under RCW 71.24.380(7).

31 ~~((30))~~ (31) "Emerging best practice" or "promising practice"
32 means a program or practice that, based on statistical analyses or a
33 well established theory of change, shows potential for meeting the
34 evidence-based or research-based criteria, which may include the use
35 of a program that is evidence-based for outcomes other than those
36 listed in subsection ~~((31))~~ (32) of this section.

37 ~~((31))~~ (32) "Evidence-based" means a program or practice that
38 has been tested in heterogeneous or intended populations with
39 multiple randomized, or statistically controlled evaluations, or
40 both; or one large multiple site randomized, or statistically

1 controlled evaluation, or both, where the weight of the evidence from
2 a systemic review demonstrates sustained improvements in at least one
3 outcome. "Evidence-based" also means a program or practice that can
4 be implemented with a set of procedures to allow successful
5 replication in Washington and, when possible, is determined to be
6 cost-beneficial.

7 ~~((32))~~ (33) "First responders" includes ambulance, fire, mobile
8 rapid response crisis team, co-responder team, designated crisis
9 responder, fire department mobile integrated health team, community
10 assistance referral and education services program under RCW
11 35.21.930, and law enforcement personnel.

12 ~~((33))~~ (34) "Immediate jeopardy" means a situation in which the
13 licensed or certified behavioral health agency's noncompliance with
14 one or more statutory or regulatory requirements has placed the
15 health and safety of patients in its care at risk for serious injury,
16 serious harm, serious impairment, or death.

17 ~~((34))~~ (35) "Indian health care provider" means a health care
18 program operated by the Indian health service or by a tribe, tribal
19 organization, or urban Indian organization as those terms are defined
20 in the Indian health care improvement act (25 U.S.C. Sec. 1603).

21 ~~((35))~~ (36) "Intensive behavioral health treatment facility"
22 means a community-based specialized residential treatment facility
23 for individuals with behavioral health conditions, including
24 individuals discharging from or being diverted from state and local
25 hospitals, whose impairment or behaviors do not meet, or no longer
26 meet, criteria for involuntary inpatient commitment under chapter
27 71.05 RCW, but whose care needs cannot be met in other community-
28 based placement settings.

29 ~~((36))~~ (37) "Licensed or certified behavioral health agency"
30 means:

31 (a) An entity licensed or certified according to this chapter or
32 chapter 71.05 RCW;

33 (b) An entity deemed to meet state minimum standards as a result
34 of accreditation by a recognized behavioral health accrediting body
35 recognized and having a current agreement with the department; or

36 (c) An entity with a tribal attestation that it meets state
37 minimum standards for a licensed or certified behavioral health
38 agency.

1 ~~((37))~~ (38) "Licensed physician" means a person licensed to
2 practice medicine or osteopathic medicine and surgery in the state of
3 Washington.

4 ~~((38))~~ (39) "Long-term inpatient care" means inpatient services
5 for persons committed for, or voluntarily receiving intensive
6 treatment for, periods of 90 days or greater under chapter 71.05 RCW.
7 "Long-term inpatient care" as used in this chapter does not include:
8 (a) Services for individuals committed under chapter 71.05 RCW who
9 are receiving services pursuant to a conditional release or a court-
10 ordered less restrictive alternative to detention; or (b) services
11 for individuals voluntarily receiving less restrictive alternative
12 treatment on the grounds of the state hospital.

13 ~~((39))~~ (40) "Managed care organization" means an organization,
14 having a certificate of authority or certificate of registration from
15 the office of the insurance commissioner, that contracts with the
16 authority under a comprehensive risk contract to provide prepaid
17 health care services to enrollees under the authority's managed care
18 programs under chapter 74.09 RCW.

19 ~~((40))~~ (41) "Mental health peer-run respite center" means a
20 peer-run program to serve individuals in need of voluntary, short-
21 term, noncrisis services that focus on recovery and wellness.

22 ~~((41))~~ (42) Mental health "treatment records" include
23 registration and all other records concerning persons who are
24 receiving or who at any time have received services for mental
25 illness, which are maintained by the department of social and health
26 services or the authority, by behavioral health administrative
27 services organizations and their staffs, by managed care
28 organizations and their staffs, or by treatment facilities.
29 "Treatment records" do not include notes or records maintained for
30 personal use by a person providing treatment services for the
31 entities listed in this subsection, or a treatment facility if the
32 notes or records are not available to others.

33 ~~((42))~~ (43) "Mentally ill persons," "persons who are mentally
34 ill," and "the mentally ill" mean persons and conditions defined in
35 subsections (3), (13), ~~((51))~~ (52), and ~~((52))~~ (53) of this
36 section.

37 ~~((43))~~ (44) "Mobile rapid response crisis team" means a team
38 that provides professional on-site community-based intervention such
39 as outreach, de-escalation, stabilization, resource connection, and
40 follow-up support for individuals who are experiencing a behavioral

1 health crisis, that shall include certified peer counselors as a best
2 practice to the extent practicable based on workforce availability,
3 and that meets standards for response times established by the
4 authority.

5 ~~((44))~~ (45) "Recovery" means a process of change through which
6 individuals improve their health and wellness, live a self-directed
7 life, and strive to reach their full potential.

8 ~~((45))~~ (46) "Regional crisis line" means the behavioral health
9 crisis hotline in each regional service area which provides crisis
10 response services 24 hours a day, seven days a week, 365 days a year
11 including but not limited to dispatch of mobile rapid response crisis
12 teams, community-based crisis teams, and designated crisis
13 responders.

14 ~~((46))~~ (47) "Research-based" means a program or practice that
15 has been tested with a single randomized, or statistically controlled
16 evaluation, or both, demonstrating sustained desirable outcomes; or
17 where the weight of the evidence from a systemic review supports
18 sustained outcomes as described in subsection ~~((31))~~ (32) of this
19 section but does not meet the full criteria for evidence-based.

20 ~~((47))~~ (48) "Residential services" means a complete range of
21 residences and supports authorized by resource management services
22 and which may involve a facility, a distinct part thereof, or
23 services which support community living, for persons who are acutely
24 mentally ill, adults who are chronically mentally ill, children who
25 are severely emotionally disturbed, or adults who are seriously
26 disturbed and determined by the behavioral health administrative
27 services organization or managed care organization to be at risk of
28 becoming acutely or chronically mentally ill. The services shall
29 include at least evaluation and treatment services as defined in
30 chapter 71.05 RCW, acute crisis respite care, long-term adaptive and
31 rehabilitative care, and supervised and supported living services,
32 and shall also include any residential services developed to service
33 persons who are mentally ill in nursing homes, residential treatment
34 facilities, assisted living facilities, and adult family homes, and
35 may include outpatient services provided as an element in a package
36 of services in a supported housing model. Residential services for
37 children in out-of-home placements related to their mental disorder
38 shall not include the costs of food and shelter, except for
39 children's long-term residential facilities existing prior to January
40 1, 1991.

1 (~~(48)~~) (49) "Resilience" means the personal and community
2 qualities that enable individuals to rebound from adversity, trauma,
3 tragedy, threats, or other stresses, and to live productive lives.

4 (~~(49)~~) (50) "Resource management services" mean the planning,
5 coordination, and authorization of residential services and community
6 support services administered pursuant to an individual service plan
7 for: (a) Adults and children who are acutely mentally ill; (b) adults
8 who are chronically mentally ill; (c) children who are severely
9 emotionally disturbed; or (d) adults who are seriously disturbed and
10 determined by a behavioral health administrative services
11 organization or managed care organization to be at risk of becoming
12 acutely or chronically mentally ill. Such planning, coordination, and
13 authorization shall include mental health screening for children
14 eligible under the federal Title XIX early and periodic screening,
15 diagnosis, and treatment program. Resource management services
16 include seven day a week, 24 hour a day availability of information
17 regarding enrollment of adults and children who are mentally ill in
18 services and their individual service plan to designated crisis
19 responders, evaluation and treatment facilities, and others as
20 determined by the behavioral health administrative services
21 organization or managed care organization, as applicable.

22 (~~(50)~~) (51) "Secretary" means the secretary of the department
23 of health.

24 (~~(51)~~) (52) "Seriously disturbed person" means a person who:

25 (a) Is gravely disabled or presents a likelihood of serious harm
26 to himself or herself or others, or to the property of others, as a
27 result of a mental disorder as defined in chapter 71.05 RCW;

28 (b) Has been on conditional release status, or under a less
29 restrictive alternative order, at some time during the preceding two
30 years from an evaluation and treatment facility or a state mental
31 health hospital;

32 (c) Has a mental disorder which causes major impairment in
33 several areas of daily living;

34 (d) Exhibits suicidal preoccupation or attempts; or

35 (e) Is a child diagnosed by a mental health professional, as
36 defined in chapter 71.34 RCW, as experiencing a mental disorder which
37 is clearly interfering with the child's functioning in family or
38 school or with peers or is clearly interfering with the child's
39 personality development and learning.

1 (~~(52)~~) (53) "Severely emotionally disturbed child" or "child
2 who is severely emotionally disturbed" means a child who has been
3 determined by the behavioral health administrative services
4 organization or managed care organization, if applicable, to be
5 experiencing a mental disorder as defined in chapter 71.34 RCW,
6 including those mental disorders that result in a behavioral or
7 conduct disorder, that is clearly interfering with the child's
8 functioning in family or school or with peers and who meets at least
9 one of the following criteria:

10 (a) Has undergone inpatient treatment or placement outside of the
11 home related to a mental disorder within the last two years;

12 (b) Has undergone involuntary treatment under chapter 71.34 RCW
13 within the last two years;

14 (c) Is currently served by at least one of the following child-
15 serving systems: Juvenile justice, child-protection/welfare, special
16 education, or developmental disabilities;

17 (d) Is at risk of escalating maladjustment due to:

18 (i) Chronic family dysfunction involving a caretaker who is
19 mentally ill or inadequate;

20 (ii) Changes in custodial adult;

21 (iii) Going to, residing in, or returning from any placement
22 outside of the home, for example, behavioral health hospital, short-
23 term inpatient, residential treatment, group or foster home, or a
24 correctional facility;

25 (iv) Subject to repeated physical abuse or neglect;

26 (v) Drug or alcohol abuse; or

27 (vi) Homelessness.

28 (~~(53)~~) (54) "State minimum standards" means minimum
29 requirements established by rules adopted and necessary to implement
30 this chapter by:

31 (a) The authority for:

32 (i) Delivery of mental health and substance use disorder
33 services; and

34 (ii) Community support services and resource management services;

35 (b) The department of health for:

36 (i) Licensed or certified behavioral health agencies for the
37 purpose of providing mental health or substance use disorder programs
38 and services, or both;

39 (ii) Licensed behavioral health providers for the provision of
40 mental health or substance use disorder services, or both; and

1 (iii) Residential services.

2 (~~(54)~~) (55) "Substance use disorder" means a cluster of
3 cognitive, behavioral, and physiological symptoms indicating that an
4 individual continues using the substance despite significant
5 substance-related problems. The diagnosis of a substance use disorder
6 is based on a pathological pattern of behaviors related to the use of
7 the substances.

8 (~~(55)~~) (56) "Tribe," for the purposes of this section, means a
9 federally recognized Indian tribe.

10 **Sec. 4.** RCW 5.60.060 and 2024 c 295 s 6 are each amended to read
11 as follows:

12 (1) A spouse or domestic partner shall not be examined for or
13 against his or her spouse or domestic partner, without the consent of
14 the spouse or domestic partner; nor can either during marriage or
15 during the domestic partnership or afterward, be without the consent
16 of the other, examined as to any communication made by one to the
17 other during the marriage or the domestic partnership. But this
18 exception shall not apply to a civil action or proceeding by one
19 against the other, nor to a criminal action or proceeding for a crime
20 committed by one against the other, nor to a criminal action or
21 proceeding against a spouse or domestic partner if the marriage or
22 the domestic partnership occurred subsequent to the filing of formal
23 charges against the defendant, nor to a criminal action or proceeding
24 for a crime committed by said spouse or domestic partner against any
25 child of whom said spouse or domestic partner is the parent or
26 guardian, nor to a proceeding under chapter 71.05 or 71.09 RCW:
27 PROVIDED, That the spouse or the domestic partner of a person sought
28 to be detained under chapter 71.05 or 71.09 RCW may not be compelled
29 to testify and shall be so informed by the court prior to being
30 called as a witness.

31 (2)(a) An attorney or counselor shall not, without the consent of
32 his or her client, be examined as to any communication made by the
33 client to him or her, or his or her advice given thereon in the
34 course of professional employment.

35 (b) A parent or guardian of a minor child arrested on a criminal
36 charge may not be examined as to a communication between the child
37 and his or her attorney if the communication was made in the presence
38 of the parent or guardian. This privilege does not extend to
39 communications made prior to the arrest.

1 (3) A member of the clergy, a Christian Science practitioner
2 listed in the Christian Science Journal, or a priest shall not,
3 without the consent of a person making the confession or sacred
4 confidence, be examined as to any confession or sacred confidence
5 made to him or her in his or her professional character, in the
6 course of discipline enjoined by the church to which he or she
7 belongs.

8 (4) Subject to the limitations under RCW 71.05.217 (6) and (7), a
9 physician or surgeon or osteopathic physician or surgeon or podiatric
10 physician or surgeon shall not, without the consent of his or her
11 patient, be examined in a civil action as to any information acquired
12 in attending such patient, which was necessary to enable him or her
13 to prescribe or act for the patient, except as follows:

14 (a) In any judicial proceedings regarding a child's injury,
15 neglect, or sexual abuse or the cause thereof; and

16 (b) Ninety days after filing an action for personal injuries or
17 wrongful death, the claimant shall be deemed to waive the physician-
18 patient privilege. Waiver of the physician-patient privilege for any
19 one physician or condition constitutes a waiver of the privilege as
20 to all physicians or conditions, subject to such limitations as a
21 court may impose pursuant to court rules.

22 (5) A public officer shall not be examined as a witness as to
23 communications made to him or her in official confidence, when the
24 public interest would suffer by the disclosure.

25 (6)(a) A peer supporter shall not, without consent of the peer
26 support services recipient making the communication, be compelled to
27 testify about any communication made to the peer supporter by the
28 peer support services recipient while receiving individual or group
29 services. The peer supporter must be designated as such by their
30 employing agency prior to providing peer support services. The
31 privilege only applies when the communication was made to the peer
32 supporter while acting in his or her capacity as a peer supporter.
33 The privilege applies regardless of whether the peer support services
34 recipient is an employee of the same agency as the peer supporter.
35 Peer support services may be coordinated or designated among first
36 responder agencies pursuant to chapter 10.93 RCW, interlocal
37 agreement, or other similar provision, provided however that a
38 written agreement is not required for the privilege to apply. The
39 privilege does not apply if the peer supporter was an initial
40 responding first responder, department of corrections staff person,

1 or jail staff person; a witness; or a party to the incident which
2 prompted the delivery of peer support services to the peer support
3 services recipient.

4 (b) For purposes of this section:

5 (i) "First responder" means:

6 (A) A law enforcement officer;

7 (B) A limited authority law enforcement officer;

8 (C) A firefighter;

9 (D) An emergency services dispatcher or recordkeeper;

10 (E) Emergency medical personnel, as licensed or certified by this
11 state;

12 (F) A member or former member of the Washington national guard
13 acting in an emergency response capacity pursuant to chapter 38.52
14 RCW; (~~or~~)

15 (G) A coroner or medical examiner, or a coroner's or medical
16 examiner's agent or employee; or

17 (H) An individual engaged in co-response services, as defined in
18 RCW 71.24.025.

19 (ii) "Law enforcement officer" means a general authority
20 Washington peace officer as defined in RCW 10.93.020.

21 (iii) "Limited authority law enforcement officer" means a limited
22 authority Washington peace officer as defined in RCW 10.93.020 who is
23 employed by the department of corrections, state parks and recreation
24 commission, department of natural resources, liquor and cannabis
25 board, or Washington state gambling commission.

26 (iv) "Peer support services recipient" means:

27 (A) A first responder;

28 (B) A department of corrections staff person; or

29 (C) A jail staff person.

30 (v) "Peer supporter" means:

31 (A) A first responder, retired first responder, department of
32 corrections staff person, or jail staff person or a civilian employee
33 of a first responder entity or agency, local jail, or state agency
34 who has received training to provide emotional and moral support and
35 services to a peer support services recipient who needs those
36 services as a result of an incident or incidents in which the peer
37 support services recipient was involved while acting in his or her
38 official capacity or to deal with other stress that is impacting the
39 peer support services recipient's performance of official duties; or

1 (B) A nonemployee who has been designated by the first responder
2 entity or agency, local jail, statewide organization focused on co-
3 response outreach, or state agency to provide emotional and moral
4 support and counseling to a peer support services recipient who needs
5 those services as a result of an incident or incidents in which the
6 peer support services recipient was involved while acting in his or
7 her official capacity.

8 (7) A sexual assault advocate may not, without the consent of the
9 victim, be examined as to any communication made between the victim
10 and the sexual assault advocate.

11 (a) For purposes of this section, "sexual assault advocate" means
12 the employee or volunteer from a community sexual assault program or
13 underserved populations provider, victim assistance unit, program, or
14 association, that provides information, medical or legal advocacy,
15 counseling, or support to victims of sexual assault, who is
16 designated by the victim to accompany the victim to the hospital or
17 other health care facility and to proceedings concerning the alleged
18 assault, including police and prosecution interviews and court
19 proceedings.

20 (b) A sexual assault advocate may disclose a confidential
21 communication without the consent of the victim if failure to
22 disclose is likely to result in a clear, imminent risk of serious
23 physical injury or death of the victim or another person. Any sexual
24 assault advocate participating in good faith in the disclosing of
25 records and communications under this section shall have immunity
26 from any liability, civil, criminal, or otherwise, that might result
27 from the action. In any proceeding, civil or criminal, arising out of
28 a disclosure under this section, the good faith of the sexual assault
29 advocate who disclosed the confidential communication shall be
30 presumed.

31 (8) A domestic violence advocate may not, without the consent of
32 the victim, be examined as to any communication between the victim
33 and the domestic violence advocate.

34 (a) For purposes of this section, "domestic violence advocate"
35 means an employee or supervised volunteer from a community-based
36 domestic violence program or human services program that provides
37 information, advocacy, counseling, crisis intervention, emergency
38 shelter, or support to victims of domestic violence and who is not
39 employed by, or under the direct supervision of, a law enforcement
40 agency, a prosecutor's office, or the child protective services

1 section of the department of children, youth, and families as defined
2 in RCW 26.44.020.

3 (b) A domestic violence advocate may disclose a confidential
4 communication without the consent of the victim if failure to
5 disclose is likely to result in a clear, imminent risk of serious
6 physical injury or death of the victim or another person. This
7 section does not relieve a domestic violence advocate from the
8 requirement to report or cause to be reported an incident under RCW
9 26.44.030(1) or to disclose relevant records relating to a child as
10 required by RCW 26.44.030(15). Any domestic violence advocate
11 participating in good faith in the disclosing of communications under
12 this subsection is immune from liability, civil, criminal, or
13 otherwise, that might result from the action. In any proceeding,
14 civil or criminal, arising out of a disclosure under this subsection,
15 the good faith of the domestic violence advocate who disclosed the
16 confidential communication shall be presumed.

17 (9) A mental health counselor, independent clinical social
18 worker, or marriage and family therapist licensed under chapter
19 18.225 RCW may not disclose, or be compelled to testify about, any
20 information acquired from persons consulting the individual in a
21 professional capacity when the information was necessary to enable
22 the individual to render professional services to those persons
23 except:

24 (a) With the written authorization of that person or, in the case
25 of death or disability, the person's personal representative;

26 (b) If the person waives the privilege by bringing charges
27 against the mental health counselor licensed under chapter 18.225
28 RCW;

29 (c) In response to a subpoena from the secretary of health. The
30 secretary may subpoena only records related to a complaint or report
31 under RCW 18.130.050;

32 (d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.217
33 (6) or (7); or

34 (e) To any individual if the mental health counselor, independent
35 clinical social worker, or marriage and family therapist licensed
36 under chapter 18.225 RCW reasonably believes that disclosure will
37 avoid or minimize an imminent danger to the health or safety of the
38 individual or any other individual; however, there is no obligation
39 on the part of the provider to so disclose.

1 (10) An individual who acts as a sponsor providing guidance,
2 emotional support, and counseling in an individualized manner to a
3 person participating in an alcohol or drug addiction recovery
4 fellowship may not testify in any civil action or proceeding about
5 any communication made by the person participating in the addiction
6 recovery fellowship to the individual who acts as a sponsor except
7 with the written authorization of that person or, in the case of
8 death or disability, the person's personal representative.

9 (11)(a) Neither a union representative nor an employee the union
10 represents or has represented shall be examined as to, or be required
11 to disclose, any communication between an employee and union
12 representative or between union representatives made in the course of
13 union representation except:

14 (i) To the extent such examination or disclosure appears
15 necessary to prevent the commission of a crime that is likely to
16 result in a clear, imminent risk of serious physical injury or death
17 of a person;

18 (ii) In actions, civil or criminal, in which the represented
19 employee is accused of a crime or assault or battery;

20 (iii) In actions, civil or criminal, where a union member is a
21 party to the action, the union member may obtain a copy of any
22 statement previously given by that union member concerning the
23 subject matter of the action and may elicit testimony concerning such
24 statements. The right of the union member to obtain such statements,
25 or the union member's possession of such statements, does not render
26 them discoverable over the objection of the union member;

27 (iv) In actions, regulatory, civil, or criminal, against the
28 union or its affiliated, subordinate, or parent bodies or their
29 agents; or

30 (v) When an admission of, or intent to engage in, criminal
31 conduct is revealed by the represented union member to the union
32 representative.

33 (b) The privilege created in this subsection (11) does not apply
34 to any record of communications that would otherwise be subject to
35 disclosure under chapter 42.56 RCW.

36 (c) The privilege created in this subsection (11) may not
37 interfere with an employee's or union representative's applicable
38 statutory mandatory reporting requirements, including but not limited
39 to duties to report in chapters 26.44, 43.101, and 74.34 RCW.

40 (d) For purposes of this subsection:

1 (i) "Employee" means a person represented by a certified or
2 recognized union regardless of whether the employee is a member of
3 the union.

4 (ii) "Union" means any lawful organization that has as one of its
5 primary purposes the representation of employees in their employment
6 relations with employers, including without limitation labor
7 organizations defined by 29 U.S.C. Sec. 152(5) and 5 U.S.C. Sec.
8 7103(a)(4), representatives defined by 45 U.S.C. Sec. 151, and
9 bargaining representatives defined in RCW 41.56.030, and employee
10 organizations as defined in RCW 28B.52.020, 41.59.020, 41.80.005,
11 41.76.005, 47.64.011, and 53.18.010.

12 (iii) "Union representation" means action by a union on behalf of
13 one or more employees it represents in regard to their employment
14 relations with employers, including personnel matters, grievances,
15 labor disputes, wages, rates of pay, hours of employment, conditions
16 of work, or collective bargaining.

17 (iv) "Union representative" means a person authorized by a union
18 to act for the union in regard to union representation.

19 (v) "Communication" includes any oral, written, or electronic
20 communication or document containing such communication.

21 **Sec. 5.** RCW 51.32.181 and 2022 c 290 s 1 are each amended to
22 read as follows:

23 (1) For frontline employees who are covered under this title,
24 there exists a prima facie presumption that any infectious or
25 contagious diseases that are transmitted through respiratory droplets
26 or aerosols, or through contact with contaminated surfaces and are
27 the subject of a public health emergency are occupational diseases
28 under RCW 51.08.140 during a public health emergency.

29 (2) The frontline employee must provide verification, as required
30 by the department by rule, to the department and the self-insured
31 employer that the employee has contracted the infectious or
32 contagious disease that is the subject of the public health
33 emergency.

34 (3) This presumption of occupational disease may be rebutted by a
35 preponderance of the evidence that:

36 (a) The exposure to the infectious or contagious disease which is
37 the subject of the public health emergency occurred from other
38 employment or nonemployment activities; or

1 (b) The employee was working from the employee's home, on leave
2 from the employee's employment, or some combination thereof, for the
3 period of quarantine consistent with recommended guidance from state
4 and federal health officials for the disease immediately prior to the
5 employee's injury, occupational disease, or period of incapacity that
6 resulted from exposure to the disease which is the subject of the
7 public health emergency.

8 (4) (a) RCW 51.32.090(7) does not apply to an occupational disease
9 under this section except that no worker shall receive compensation
10 for or during the day on which the occupational disease was
11 contracted. For the purposes of this subsection (4), the day on which
12 the occupational disease was contracted is whichever date occurs
13 first of the following:

14 (i) The date that the worker first missed work due to symptoms of
15 the infectious or contagious disease;

16 (ii) The date the worker was quarantined by a medical provider or
17 public health official; or

18 (iii) The date the worker received a positive test result
19 confirming contraction of the infectious or contagious disease.

20 (b) If leave or similar benefits are paid to the frontline
21 employee as part of a federal or state program for these employees
22 during the public health emergency, temporary total disability
23 benefits are not payable for the same period of time covered by the
24 federal or state program.

25 (5) When calculating assessments due to the department for which
26 total claim costs are the basis, self-insured employers and self-
27 insurance hospital groups formed under RCW 51.14.150 and 51.14.160
28 may deduct the cost of payments made under this section from the
29 total of all claim costs reported.

30 (6) Costs of the payments under this section shall not affect the
31 experience rating of employers insured by the state fund.

32 (7) As used in this section:

33 (a) "Assisted living facility" has the same meaning as in RCW
34 18.20.020.

35 (b) "Farm work" means work performed on a farm, in the employ of
36 any person, in connection with the cultivation of the soil, or in
37 connection with raising or harvesting any agricultural or
38 horticultural commodity, including raising, shearing, feeding, caring
39 for, training, and management of livestock, bees, poultry, and
40 furbearing animals and wildlife, or in the employ of the owner or

1 tenant or other operator of a farm in connection with the operation,
2 management, conservation, improvement, or maintenance of such farm
3 and its tools and equipment. For the purposes of this subsection,
4 "farm work" includes floriculture.

5 (c) "Food distribution work" means work where the primary duties
6 include transporting food from food producers or manufacturers to
7 food warehouses or food service operators and retailers.

8 (d) "Food manufacturing work" means work performed for an
9 employer whose North American industry classification code is within
10 "311."

11 (e) "Food processing work" means work handling or processing of
12 any food in any manner of preparation for sale for an employer
13 required to be licensed by the department of agriculture under
14 chapter 69.07 RCW.

15 (f) "Frontline employee" includes the following employees:

16 (i) First responders, including law enforcement officers,
17 firefighters, emergency medical service providers, paramedics,
18 ~~((and)) ambulance drivers, and other members of first response teams~~
19 engaged in co-response, as defined in RCW 71.24.025. "Firefighters"
20 includes wildland firefighters when performing wildfire suppression
21 or other emergency duties under the incident command system if the
22 firefighter has in-person interaction with the general public or
23 other firefighters as part of their job duties;

24 (ii) Employees performing food processing, food manufacturing,
25 food distribution, farm, and meat packing work;

26 (iii) Maintenance, janitorial, and food service workers at any
27 facility treating patients diagnosed with the infectious or
28 contagious disease that is the subject of the public health
29 emergency;

30 (iv) Drivers and operators employed by a transit agency or any
31 other public entity authorized under state law to provide mass
32 transportation services to the general public;

33 (v) Employees working at a child care facility licensed by the
34 department of children, youth, and families under chapter 43.216 RCW,
35 if the employee has in-person interaction with children or other
36 members of the general public as part of their job duties;

37 (vi) Employees employed by a retail store that remains open to
38 the general public during the public health emergency, if the
39 employee has in-person interaction with the general public as part of
40 their job duties or has in-person interaction with other employees.

1 For the purposes of this subsection, "retail store" means a business
2 whose North American industry classification code is within "44-45";

3 (vii) Employees employed by a hotel, motel, or other transient
4 accommodation licensed under chapter 70.62 RCW that remains open to
5 the general public during the public health emergency, if the
6 employee has in-person interaction with the general public as part of
7 their job duties or has in-person interaction with other employees;

8 (viii) Employees employed by a restaurant, if the employee has
9 in-person interaction with the general public as part of their job
10 duties or works in the kitchen of the restaurant and has in-person
11 interaction with other employees. For the purposes of this
12 subsection, "restaurant" has the same meaning as in RCW 66.04.010;

13 (ix) Home care aides certified under chapter 18.88B RCW and home
14 health aides that provide services under chapter 70.126 RCW that
15 primarily work in the home of the individual receiving care;

16 (x) (A) Corrections officers and correctional support employees
17 working at a correctional institution.

18 (B) For the purposes of this subsection (7) (f) (x):

19 (I) "Correctional institution" has the same meaning as in RCW
20 9.94.049.

21 (II) "Corrections officer" means any corrections agency employee
22 whose primary job function is to provide custody, safety, and
23 security of prisoners in jails and detention facilities.

24 (III) "Correctional support employee" means any employee who
25 provides food services or janitorial services in a correctional
26 institution;

27 (xi) Educational employees, including classroom teachers,
28 paraeducators, principals, librarians, school bus drivers, and other
29 educational support staff, of any school district, or a contractor of
30 a school district, that are required to be physically present at a
31 school or on the grounds of a school where classes are being taught
32 in person, in a transportation vehicle necessary for school
33 operations, or in the home of a student as part of their job duties,
34 if the employee has in-person interaction with students, a student's
35 family members, or other employees as part of their job duties;

36 (xii) Employees of institutions of higher education that are
37 required to be physically present on campus when classes are being
38 taught in person, if the employee has in-person interaction with
39 students or the general public as part of their job duties. For the

1 purposes of this subsection, "institution of higher education" has
2 the same meaning as in RCW 28B.10.016;

3 (xiii) Employees employed by a public library that remains open
4 to the general public during the public health emergency, if the
5 employee has in-person interaction with the general public as part of
6 their job duties or has in-person interaction with other employees.
7 For the purposes of this subsection, "public library" means a library
8 covered by chapter 27.12 RCW;

9 (xiv) Employees employed by the department of licensing who are
10 assigned to review, process, approve, and issue driver licenses to
11 the general public, if the employee has in-person interaction with
12 the general public as part of their job duties or has in-person
13 interaction with other employees.

14 (g) "Meat packing work" means work slaughtering animals and
15 processing and packaging meat products for sale and the rendering of
16 animal by-products.

17 (h) "Nursing home" means a nursing home licensed under chapter
18 18.51 RCW.

19 (i) "Public health emergency" means a declaration or order
20 concerning any infectious or contagious diseases, including a
21 pandemic and is issued as follows:

22 (i) The president of the United States has declared a national or
23 regional emergency that covers every county in the state of
24 Washington; or

25 (ii) The governor of Washington has declared a state of emergency
26 under RCW 43.06.010(12) in every county in the state.

27 (j) "School" has the same meaning as in RCW 28A.210.070.

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