

Section 2 (14) defines "metropolitan public transportation" to exclude the operation of "chartered bus", "sight seeing bus", or any other "motor vehicle" not operating on an individual fare-paying basis. This subsection is intended to protect the position of the private charter carriers. However, the subsection appears to go further than was intended since it may have the inadvertent effect, by the terms of the final proviso, of preventing the use of people-moving systems other than those using "motor vehicles".

Veto
Message

In addition, this subsection limits the municipality to providing school bus service for the transportation of the pupils between their homes and schools. Because public education involves the transportation of students in an educational context on a broader basis than merely between homes and school this limitation upon the municipality is not appropriate.

I have accordingly item vetoed these limitations from subsection 14 of section 2.

The remainder of the bill is approved."

CHAPTER 304

[Engrossed Senate Bill No. 273]

NARCOTIC DRUGS, DANGEROUS DRUGS, AND ALCOHOL--
REHABILITATION PROGRAM--
COMMUNITY EDUCATIONAL PROGRAM--
QUALIFIED DRUG TREATMENT CENTERS

AN ACT Relating to narcotic drugs, dangerous drugs, and alcohol; amending section 2, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.020; amending section 3, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.030; and creating new sections.

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

NEW SECTION. Section 1. It is the purpose of this 1971 amendatory act to provide the financial assistance necessary to enable the department of social and health services to offer a meaningful program of rehabilitation for those persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol and to develop a community educational program as to those problems for the benefit of the state's population generally. Such programs can

develop in the people of this state a knowledge of the problems caused by alcohol and drug abuse, an acceptance of responsibility for alcohol and drug related problems, an understanding of the causes and consequences of the use and abuse of alcohol and drugs, and thus may prevent many problems from occurring.

It is the further purpose of this 1971 amendatory act to provide for qualified drug treatment centers approved by the department of social and health services.

NEW SECTION. Sec. 2. The following words and phrases shall have the following meaning when used in this 1971 amendatory act:

(1) "Secretary" shall mean the secretary of the department of social and health services.

(2) "Department" shall mean the department of social and health services.

(3) "Drug and alcohol rehabilitation program" shall mean the program developed by the department of social and health services to aid persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol.

(4) "Drug and alcohol educational program" shall mean the program developed by the department of social and health services outside of the kindergarten through twelve programs in the schools to educate the people of this state relative to the use and abuse of narcotic drugs, dangerous drugs and alcohol, and the prevention and consequences thereof.

(5) "Drug treatment center" shall mean any organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of persons using narcotic drugs as defined in chapter 69.33 RCW, or dangerous drugs as defined in chapter 69.40 RCW.

NEW SECTION. Sec. 3. Every drug treatment center in this state shall apply to the secretary of social and health services for certification as an approved drug treatment center.

The secretary of social and health services shall issue application forms which shall require the following, where applicable:

(1) The name and address of the applicant drug treatment center;

(2) The name of the director or head of such drug treatment center;

(3) The names of the members of the board of directors or sponsors of such drug treatment center;

(4) The names and addresses of all physicians affiliated with such drug treatment center;

(5) A short description of the nature of treatment and/or rehabilitation used by such drug treatment center; and the

qualifications of staff to employ such treatment and/or rehabilitation methods.

(6) The source of funds used to finance the activities of such drug treatment center;

(7) Any other information required by rule or regulation of the secretary of social and health services pertaining to the qualifications of such drug treatment center.

The secretary of social and health services may either grant or deny approval or revoke or suspend approval previously granted after investigation to ascertain whether or not such center is adequate to the care, treatment, and rehabilitation of such persons who have voluntarily submitted themselves to the care of such center; such grant, denial or revocation of approval shall be in accordance with standards as set forth in rules and regulations promulgated by the secretary.

Such approval shall be effective for one calendar year from the date of such approval. Renewal of approval shall be made in accordance with the provisions of this section for initial approval and in accordance with the standards set forth in rules and regulations promulgated by the secretary.

NEW SECTION. Sec. 4. The secretary shall establish within the department a program designed to aid and rehabilitate persons suffering from problems relating to narcotic drugs, dangerous drugs, and alcohol. Without duplicating, and in coordination with the programs established by the state superintendent of public instruction, the secretary shall establish community educational programs outside of the kindergarten through twelve programs in the schools relating to alcohol and drug use and abuse. The secretary is authorized to promulgate rules and regulations pursuant to chapter 34.04 RCW to carry out the provisions and purposes of this 1971 amendatory act and is authorized to contract, cooperate and coordinate with other public or private agencies or individuals for such purposes.

NEW SECTION. Sec. 5. Pursuant to the provisions of the Interlocal Cooperation Act, chapter 39.34 RCW, the department may enter into agreements as provided therein to accomplish the purposes of this 1971 amendatory act.

Sec. 6. Section 2, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.020 are each amended to read as follows:

As used in this chapter:

(1) ("~~Director~~") "Secretary" shall mean the (~~director~~) secretary of the department of (~~institutions~~) social and health services or such officer of the department as he may designate to carry out in whole or in part the administration of the provisions of this chapter.

(2) "Department" shall mean the department of ~~((institutions))~~ social and health services.

(3) "Mental health needs", "mental health programs" and "mental health services" as used in this chapter shall include but not be limited to all those items set forth in section 7 of this 1971 amcndatory act.

Sec. 7. Section 3, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.030 are each amended to read as follows:

The ~~((director))~~ secretary is authorized, pursuant to the provisions of this chapter and the rules and regulations promulgated to effectuate its purposes, to make grants to assist counties or combinations of counties in the establishment and operation of community mental health programs to provide one or more of the following services:

(1) Outpatient diagnostic and treatment services.

(2) Inpatient psychiatric services.

(3) Rehabilitation services for patients with psychiatric illnesses.

(4) Informational services to the general public and educational services furnished by qualified mental health personnel to schools, courts, health agencies, welfare agencies, probation departments and other appropriate public or private agencies or groups.

(5) Consultant services to public or private agencies for the promotion and coordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.

(6) Inpatient or outpatient care, treatment or rehabilitation services of persons using narcotic drugs as defined in chapter 69.33 RCW or dangerous drugs as defined in chapter 69.40 RCW.

(7) Such services as are set forth in subsection (4) which pertain to the education and information about and prevention of problems of drug and alcohol abuse.

Such inservice training as may be necessary in providing any of the foregoing services shall be proper items of expenditure in connection therewith.

NEW SECTION. Sec. 8. Any person fourteen years of age or older may give consent for himself to the furnishing of counseling, care, treatment or rehabilitation by an approved drug treatment center or person licensed or certified by the state related to conditions and problems caused by drug or alcohol abuse. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age shall not be necessary to authorize such care, except that such person shall not become a resident of such treatment center without parental permission. The parent, parents or legal guardian

of a person less than eighteen years of age shall not be liable for payment of care for such persons pursuant to this 1971 amendatory act, unless they have joined in the consent to such counseling, care, treatment or rehabilitation.

NEW SECTION. Sec. 9. When an individual submits himself for care, treatment, counseling, or rehabilitation to any organization, institution or corporation, public or private, approved pursuant to this 1971 amendatory act, or any person licensed or certified by the state whose principal function is the care, treatment, counseling or rehabilitation of alcohol abusers or users of narcotic or dangerous drugs, or the providing of medical, psychological or social counseling or treatment, notwithstanding any other provision of law, such individual is hereby guaranteed confidentiality. No such person, organization, institution or corporation or their agents acting in the scope and course of their duties, providing such care, treatment, counseling or rehabilitation shall divulge nor shall they be required to provide any specific information concerning individuals being cared for, treated, counseled or rehabilitated, nor shall pharmacists or their agents provide such information when or if they become aware of or receive such information when requested to or for the purpose of providing products or performing services relevant to said care, treatment, counseling or rehabilitation. Should any person, organization, institution or corporation, or their agents, breach confidentiality as provided for in this section, such information and any product thereof shall not be admissible as evidence or be considered in any criminal proceeding. The fact of an individual of authorized age being cared for, treated, counseled or rehabilitated pursuant to this 1971 amendatory act shall likewise be held confidential and shall not be admissible as evidence or be considered in any criminal proceeding..

Any confidentiality provided for by this section may be waived by the individual, provided such waiver is freely and voluntarily made, and with full prior information as to the consequences thereof.

NEW SECTION. Sec. 10. Nothing contained in this 1971 amendatory act shall prohibit or be construed to prohibit the divulging or providing of statistical or other substantive information pertaining to care, treatment, counseling or rehabilitation, pursuant to this 1971 amendatory act, so long as no individual is identified or reasonably identifiable, and individual privacy and confidentiality is retained.

NEW SECTION. Sec. 11. Nothing contained in this 1971 amendatory act shall relieve any person or firm from the requirements under federal and state drug laws and regulations for the keeping of records and the responsibility for the accountability of drugs received and dispensed. Such records, insofar as they contain

confidential information under this 1971 amendatory act, shall only be available to state and federal drug inspectors who shall not divulge such information as is contained in these records, including the identification of individuals, except (1) upon subpoena in a court or administrative proceeding to which the person to whom such prescription, orders or other records relate is a party, or (2) when the information reasonably leads to the conclusion that there has been a violation of RCW 69.33.380 or 69.40.090, then the information may be referred to other law enforcement officers.

V- NEW SECTION. Sec. 12. There shall be paid to each county on account of expenditures made for community mental health programs defined in section 7 of this 1971 amendatory act not more than fifty percent of the amount expended for such programs, exclusive of the expenditure of funds secured by a community mental health program from federal sources. Where it is determined by the secretary to be necessary for the expansion of existing mental health services or for the development of new mental health services, as described in section 7 of this 1971 amendatory act, and after consultation with the department of revenue regarding the extent to which local funds for the support of mental health services have been exhausted, the state share in any community mental health program may exceed fifty percent of the total expenditures: PROVIDED, That the state share shall be reduced to not more than fifty percent of the total expenditures within two years from the starting date of such new services. Reimbursement shall be made on a monthly basis, upon submission to the secretary of such information as he may require: PROVIDED, FURTHER, That when deemed necessary to maintain proper standards of care in the program, within the discretion of the secretary, the counties shall be required to provide up to fifty percent of the total expended for such program through fees, gifts, contributions, and volunteer services.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 20, 1971 with the exception of certain items in sections 2 and 7 and all of section 12 which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...This bill enacts a comprehensive approach to drug and alcohol education and rehabilitation.

Veto
Message

There are certain inconsistencies between the present act and two other acts which passed this legislature: House

Bill No. 277 relating to Community Mental Health programs and Second Substitute Senate Bill No. 146, the Uniform Controlled Substances Act relating to dangerous and narcotic drugs. I have therefore exercised certain vetoes in this act to alleviate any problems of inconsistency.

Veto
Message

Second Substitute Senate Bill No. 146, the Uniform Controlled Substances Act repeals chapters 69.33 and 69.40 RCW. Section 2, page 2, lines 12, 13 and 14 of Senate Bill No. 273 has reference to those chapters. Reference to those same chapters are also contained in section 7, page 5, lines 5 and 6 of Senate Bill No. 273. As a consequence I have vetoed the inappropriate words in those sections, recognizing that the Uniform Controlled Substances Act relating to narcotic and dangerous drugs is a new chapter, RCW 69.50, and that the intention of the legislature is that the definitions contained in the new RCW chapter will apply to Senate Bill No. 273.

Section 12 of S.B. 273 was included in the event that H.B. 277 did not pass. Section 2 of H.B. 277 provides for funding of community mental health services as contained in sections 6 and 7 of S.B. 273.

It was understood by the legislators involved that in the event H.B. 277 did pass, section 12 would be vetoed out of S.B. 273. As a consequence, since H.B. 277 did pass, I have vetoed section 12 of S.B. 273 in order to avoid duplication, ambiguity and confusion in the funding mechanism related to community mental health services and drug treatment programs."

CHAPTER 305

[Engrossed Senate Bill No. 188]

PHYSICIAN'S TRAINED MOBILE INTENSIVE CARE PARAMEDICS--
RENDERING EMERGENCY LIFESAVING SERVICE BY PARAMEDICS--
IMMUNITY FROM CIVIL LIABILITY FOR EMERGENCY SERVICES PERFORMED
WITHOUT CONSENT

AN ACT Relating to the practice of medicine and surgery; providing for physician's trained mobile intensive care paramedics; authorizing the rendering of emergency lifesaving service by a physician's trained mobile intensive care paramedic under