
HOUSE BILL 2313

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Moyer and Braddock; by request of Dept. of Social and Health Services

Read first time 01/14/92. Referred to Committee on Health Care.

1 AN ACT Relating to the mental health information system; and
2 reenacting and amending RCW 71.24.035.

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

4 **Sec. 1.** RCW 71.24.035 and 1991 c 306 s 3, 1991 c 262 s 1, & 1991
5 c 29 s 1 are each reenacted and amended to read as follows:

6 (1) The department is designated as the state mental health
7 authority.

8 (2) The secretary may provide for public, client, and licensed
9 service provider participation in developing the state mental health
10 program.

11 (3) The secretary shall provide for participation in developing the
12 state mental health program for children and other underserved
13 populations, by including representatives on any committee established
14 to provide oversight to the state mental health program.

1 (4) The secretary shall be designated as the county authority if a
2 county fails to meet state minimum standards or refuses to exercise
3 responsibilities under RCW 71.24.045.

4 (5) The secretary shall:

5 (a) Develop a biennial state mental health program that
6 incorporates county biennial needs assessments and county mental health
7 service plans and state services for mentally ill adults and children.
8 The secretary may also develop a six-year state mental health plan;

9 (b) Assure that any county community mental health program provides
10 access to treatment for the county's residents in the following order
11 of priority: (i) The acutely mentally ill; (ii) chronically mentally
12 ill adults and severely emotionally disturbed children; and (iii) the
13 seriously disturbed. Such programs shall provide:

14 (A) Outpatient services;

15 (B) Emergency care services for twenty-four hours per day;

16 (C) Day treatment for mentally ill persons which includes training
17 in basic living and social skills, supported work, vocational
18 rehabilitation, and day activities. Such services may include
19 therapeutic treatment. In the case of a child, day treatment includes
20 age-appropriate basic living and social skills, educational and
21 prevocational services, day activities, and therapeutic treatment;

22 (D) Screening for patients being considered for admission to state
23 mental health facilities to determine the appropriateness of admission;

24 (E) Employment services, which may include supported employment,
25 transitional work, placement in competitive employment, and other work-
26 related services, that result in mentally ill persons becoming engaged
27 in meaningful and gainful full or part-time work. Other sources of
28 funding such as the division of vocational rehabilitation may be
29 utilized by the secretary to maximize federal funding and provide for
30 integration of services;

1 (F) Consultation and education services; and

2 (G) Community support services;

3 (c) Develop and promulgate rules establishing state minimum
4 standards for the delivery of mental health services including, but not
5 limited to:

6 (i) Licensed service providers;

7 (ii) Regional support networks; and

8 (iii) Residential and inpatient services, evaluation and treatment
9 services and facilities under chapter 71.05 RCW, resource management
10 services, and community support services;

11 (d) Assure that the special needs of minorities, the elderly,
12 disabled, children, and low-income persons are met within the
13 priorities established in this section;

14 (e) Establish a standard contract or contracts, consistent with
15 state minimum standards, which shall be used by the counties;

16 (f) Establish, to the extent possible, a standardized auditing
17 procedure which minimizes paperwork requirements of county authorities
18 and licensed service providers;

19 (g) Develop and maintain an information system to be used by the
20 state, counties, and regional support networks when they are
21 established which shall include a tracking method which allows the
22 department and regional support networks to identify mental health
23 clients' participation in any mental health service or public program
24 on an immediate basis. The information system shall not include
25 individual patient's case history files. Confidentiality of client
26 information and records shall be maintained as provided in this chapter
27 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and
28 71.05.440. The state-operated portion of the system shall be fully
29 operational no later than January 1, 1993, and a regional support
30 network system shall be fully operational by June 30, 1993: PROVIDED,

1 HOWEVER, That when a regional support network is established, the
2 department shall have an operational interim tracking system for that
3 network that will be adequate for the regional support network to
4 perform its required duties under this chapter;

5 (h) License service providers who meet state minimum standards;

6 (i) Certify regional support networks that meet state minimum
7 standards;

8 (j) Periodically inspect certified regional support networks and
9 licensed service providers at reasonable times and in a reasonable
10 manner; and

11 (k) Fix fees to be paid by evaluation and treatment centers to the
12 secretary for the required inspections;

13 (l) Monitor and audit counties, regional support networks, and
14 licensed service providers as needed to assure compliance with
15 contractual agreements authorized by this chapter;

16 (m) Prior to September 1, 1989, adopt such rules as are necessary
17 to implement the department's responsibilities under this chapter
18 pursuant to chapter 34.05 RCW: PROVIDED, That such rules shall be
19 submitted to the appropriate committees of the legislature for review
20 and comment prior to adoption; and

21 (n) Beginning July 1, 1989, and continuing through July 1, 1993,
22 track by region and county the use and cost of state hospital and local
23 evaluation and treatment facilities for seventy-two hour detention,
24 fourteen, ninety, and one hundred eighty day commitments pursuant to
25 chapter 71.05 RCW, voluntary care in state hospitals, and voluntary
26 community inpatient care covered by the medical assistance program.
27 Service use and cost reports shall be provided to regions in a timely
28 fashion at six-month intervals.

29 (6) The secretary shall use available resources appropriated
30 specifically for community mental health programs only for programs

1 under RCW 71.24.045. After July 1, 1995, or when regional support
2 networks are established, available resources may be used only for
3 regional support networks.

4 (7) Each certified regional support network and licensed service
5 provider shall file with the secretary, on request, such data,
6 statistics, schedules, and information as the secretary reasonably
7 requires. A certified regional support network or licensed service
8 provider which, without good cause, fails to furnish any data,
9 statistics, schedules, or information as requested, or files fraudulent
10 reports thereof, may have its certification or license revoked or
11 suspended.

12 (8) The secretary may suspend, revoke, limit, or restrict a
13 certification or license, or refuse to grant a certification or license
14 for failure to conform to the law, applicable rules and regulations, or
15 applicable standards, or failure to meet the minimum standards
16 established pursuant to this section.

17 (9) The superior court may restrain any regional support network or
18 service provider from operating without certification or a license or
19 any other violation of this section. The court may also review,
20 pursuant to procedures contained in chapter 34.05 RCW, any denial,
21 suspension, limitation, restriction, or revocation of certification or
22 license, and grant other relief required to enforce the provisions of
23 this chapter.

24 (10) Upon petition by the secretary, and after hearing held upon
25 reasonable notice to the facility, the superior court may issue a
26 warrant to an officer or employee of the secretary authorizing him or
27 her to enter at reasonable times, and examine the records, books, and
28 accounts of any regional support network or service provider refusing
29 to consent to inspection or examination by the authority.

1 (11) The secretary shall adopt such rules as may be necessary to
2 effectuate the intent and purposes of this chapter, which shall include
3 but not be limited to certification and licensing and other action
4 relevant to certifying regional support networks and licensing service
5 providers.

6 (12) Notwithstanding the existence or pursuit of any other remedy,
7 the secretary may, in the manner provided by law, upon the advice of
8 the attorney general who shall represent the secretary in the
9 proceedings, maintain an action in the name of the state for an
10 injunction or other process against any person or governmental unit to
11 restrain or prevent the establishment, conduct, or operation of a
12 regional support network or service provider without certification or
13 a license under this chapter.

14 (13) The standards for certification of evaluation and treatment
15 facilities shall include standards relating to maintenance of good
16 physical and mental health and other services to be afforded persons
17 pursuant to this chapter and chapter 71.05 RCW, and shall otherwise
18 assure the effectuation of the purposes and intent of this chapter and
19 chapter 71.05 RCW.

20 (14)(a) The department, in consultation with affected parties,
21 shall establish a distribution formula that reflects county needs
22 assessments based on the number of persons who are acutely mentally
23 ill, chronically mentally ill, severely emotionally disturbed, and
24 seriously disturbed as defined in chapter 71.24 RCW. The formula shall
25 take into consideration the impact on counties of demographic factors
26 in counties which result in concentrations of priority populations as
27 defined in subsection (15) of this section. These factors shall
28 include the population concentrations resulting from commitments under
29 the involuntary treatment act, chapter 71.05 RCW, to state psychiatric
30 hospitals, as well as concentration in urban areas, at border crossings

1 at state boundaries, and other significant demographic and workload
2 factors.

3 (b) The department shall submit a proposed distribution formula in
4 accordance with this section to the ways and means and health and long-
5 term care committees of the senate and to the ways and means and human
6 services committees of the house of representatives by October 1, 1991.
7 The formula shall also include a projection of the funding allocations
8 that will result for each county, which specifies allocations according
9 to priority populations, including the allocation for services to
10 children and other underserved populations.

11 (15) To supersede duties assigned under subsection (5)(a) and (b)
12 of this section, and to assure a county-based, integrated system of
13 care for acutely mentally ill adults, severely emotionally disturbed
14 children, chronically mentally ill adults and children, and seriously
15 disturbed adults and children who are determined by regional support
16 networks at their sole discretion to be at risk of becoming acutely or
17 chronically mentally ill, or severely emotionally disturbed, the
18 secretary shall encourage the development of regional support networks
19 as follows:

20 By December 1, 1989, the secretary shall recognize regional support
21 networks requested by counties or groups of counties.

22 All counties wishing to be recognized as a regional support network
23 on December 1, 1989, shall submit their intentions regarding
24 participation in the regional support networks by October 30, 1989,
25 along with preliminary plans. Counties wishing to be recognized as a
26 regional support network by January 1 of any year thereafter shall
27 submit their intentions by October 30 of the previous year along with
28 preliminary plans. The secretary shall assume all duties assigned to
29 the nonparticipating counties under chapters 71.05 and 71.24 RCW on
30 July 1, 1995. Such responsibilities shall include those which would

1 have been assigned to the nonparticipating counties under regional
2 support networks.

3 The implementation of regional support networks, or the secretary's
4 assumption of all responsibilities under chapters 71.05 and 71.24 RCW,
5 shall be included in all state and federal plans affecting the state
6 mental health program including at least those required by this
7 chapter, the medicaid program, and P.L. 99-660. Nothing in these plans
8 shall be inconsistent with the intent and requirements of this chapter.

9 (16) By January 1, 1992, the secretary shall provide available
10 resources to regional support networks to operate freestanding
11 evaluation and treatment facilities or for regional support networks to
12 contract with local hospitals to assure access for regional support
13 network patients.

14 (17) The secretary shall:

15 (a) Disburse the first funds for the regional support networks that
16 are ready to begin implementation by January 1, 1990, or within sixty
17 days of approval of the biennial contract. The department must either
18 approve or reject the biennial contract within sixty days of receipt.

19 (b) Enter into biennial contracts with regional support networks to
20 begin implementation between January 1, 1990, and March 1, 1990, and
21 complete implementation by June 1995. The contracts shall be
22 consistent with available resources. No contract shall be approved
23 that does not include progress toward meeting the goals of this chapter
24 by taking responsibility for: (i) Short-term commitments; (ii)
25 residential care; and (iii) emergency response systems.

26 (c) By July 1, 1993, allocate one hundred percent of available
27 resources to regional support networks created by January 1, 1990, in
28 a single grant. Regional support networks created by January 1, 1991,
29 shall receive a single block grant by July 1, 1993; regional support
30 networks created by January 1, 1992, shall receive a single block grant

1 by July 1, 1994; and regional support networks created by January 1,
2 1993, shall receive a single block grant by July 1, 1995. The grants
3 shall include funds currently provided for all residential services,
4 all services pursuant to chapter 71.05 RCW, and all community support
5 services and shall be distributed in accordance with a formula
6 submitted to the legislature by January 1, 1993, in accordance with
7 subsection (14) of this section.

8 (d) By January 1, 1990, allocate available resources to regional
9 support networks for community support services, resource management
10 services, and residential services excluding evaluation and treatment
11 facilities provided pursuant to chapter 71.05 RCW in a single grant
12 using the distribution formula established in subsection (14) of this
13 section.

14 (e) By March 1, 1990, or within sixty days of approval of the
15 contract continuing through July 1, 1993, provide grants as
16 specifically appropriated by the legislature to regional support
17 networks for evaluation and treatment facilities for persons detained
18 or committed for periods up to seventeen days according to chapter
19 71.05 RCW. For regional support networks created by January 1, 1993,
20 provide grants as specifically appropriated by the legislature to
21 regional support networks for evaluation and treatment facilities for
22 persons detained or committed for periods up to seventeen days
23 according to chapter 71.05 RCW through July 1, 1995.

24 (f) Notify regional support networks of their allocation of
25 available resources at least sixty days prior to the start of a new
26 biennial contract period.

27 (g) Deny funding allocations to regional support networks based
28 solely upon formal findings of noncompliance with the terms of the
29 regional support network's contract with the department. Written
30 notice and at least thirty days for corrective action must precede any

1 such action. In such cases, regional support networks shall have full
2 rights to appeal under chapter 34.05 RCW.

3 (h) Identify in its departmental biennial operating and capital
4 budget requests the funds requested by regional support networks to
5 implement their responsibilities under this chapter.

6 (i) Contract to provide or, if requested, make grants to counties
7 to provide technical assistance to county authorities or groups of
8 county authorities to develop regional support networks.

9 (18) The department of social and health services, in cooperation
10 with the state congressional delegation, shall actively seek waivers of
11 federal requirements and such modifications of federal regulations as
12 are necessary to allow federal medicaid reimbursement for services
13 provided by free-standing evaluation and treatment facilities certified
14 under chapter 71.05 RCW. The department shall periodically report its
15 efforts to the health care and corrections committee of the senate and
16 the human services committee of the house of representatives.

17 (19) The secretary shall establish a task force to examine the
18 recruitment, training, and compensation of qualified mental health
19 professionals in the community, which shall include the advantages and
20 disadvantages of establishing a training academy, loan forgiveness
21 program, or educational stipends offered in exchange for commitments of
22 employment in mental health. The task force shall report back to the
23 appropriate committees of the legislature by January 1, 1990.