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SENATE BILL 5654

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State of Washington

52nd Legislature

1991 Regular Session

By Senators West, Moore, Vognild and Pelz.

Read first time February 13, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to salaries of community mental health  
2 practitioners; and amending RCW 71.24.035 and 71.24.300.

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

4 **Sec. 1.** RCW 71.24.035 and 1990 1st ex.s. c 8 s 1 are each amended  
5 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) the chronically  
12 mentally ill; and (iii) the seriously disturbed. Such programs shall  
13 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) Consultation and education services; and

25 (F) Community support services;

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

29 (i) Licensed service providers;

30 (ii) Regional support networks; and

1 (iii) Residential and inpatient services, evaluation and treatment  
2 services and facilities under chapter 71.05 RCW, resource management  
3 services, and community support services;

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

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

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

12 (g) Develop and maintain an information system to be used by the  
13 state, counties, and regional support networks when they are  
14 established which shall include a tracking method which allows the  
15 department and regional support networks to identify mental health  
16 clients' participation in any mental health service or public program  
17 on an immediate basis. The information system shall not include  
18 individual patient's case history files. Confidentiality of client  
19 information and records shall be maintained as provided in this chapter  
20 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and  
21 71.05.440. The system shall be fully operational no later than January  
22 1, 1993: PROVIDED, HOWEVER, That when a regional support network is  
23 established, the department shall have an operational interim tracking  
24 system for that network that will be adequate for the regional support  
25 network to perform its required duties under this chapter;

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

27 (i) Certify regional support networks that meet state minimum  
28 standards;

1 (j) Periodically inspect certified regional support networks and  
2 licensed service providers at reasonable times and in a reasonable  
3 manner; and

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

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

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

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

22 (6) The secretary shall use available resources appropriated  
23 specifically for community mental health programs only for programs  
24 under RCW 71.24.045. After July 1, 1995, or when regional support  
25 networks are established, available resources may be used only for  
26 regional support networks.

27 (7) Each certified regional support network and licensed service  
28 provider shall file with the secretary, on request, such data,  
29 statistics, schedules, and information as the secretary reasonably  
30 requires. A certified regional support network or licensed service

1 provider which, without good cause, fails to furnish any data,  
2 statistics, schedules, or information as requested, or files fraudulent  
3 reports thereof, may have its certification or license revoked or  
4 suspended.

5 (8) The secretary may suspend, revoke, limit, or restrict a  
6 certification or license, or refuse to grant a certification or license  
7 for failure to conform to the law, applicable rules and regulations, or  
8 applicable standards, or failure to meet the minimum standards  
9 established pursuant to this section.

10 (9) The superior court may restrain any regional support network or  
11 service provider from operating without certification or a license or  
12 any other violation of this section. The court may also review,  
13 pursuant to procedures contained in chapter 34.05 RCW, any denial,  
14 suspension, limitation, restriction, or revocation of certification or  
15 license, and grant other relief required to enforce the provisions of  
16 this chapter.

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

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

28 (12) Notwithstanding the existence or pursuit of any other remedy,  
29 the secretary may, in the manner provided by law, upon the advice of  
30 the attorney general who shall represent the secretary in the

1 proceedings, maintain an action in the name of the state for an  
2 injunction or other process against any person or governmental unit to  
3 restrain or prevent the establishment, conduct, or operation of a  
4 regional support network or service provider without certification or  
5 a license under this chapter.

6 (13) The standards for certification of evaluation and treatment  
7 facilities shall include standards relating to maintenance of good  
8 physical and mental health and other services to be afforded persons  
9 pursuant to this chapter and chapter 71.05 RCW, and shall otherwise  
10 assure the effectuation of the purposes and intent of this chapter and  
11 chapter 71.05 RCW.

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

24 (b) The department shall submit a proposed distribution formula in  
25 accordance with this section to the ways and means and health care and  
26 corrections committees of the senate and to the ways and means and  
27 human services committees of the house of representatives by October 1,  
28 1989. The formula shall also include a projection of the funding  
29 allocations that will result for each county, which specifies

1 allocations according to priority populations, including the allocation  
2 for services to children and other underserved populations.

3 (15) To supersede duties assigned under subsection (5) (a) and (b)  
4 of this section, and to assure a county-based, integrated system of  
5 care for acutely mentally ill adults and children, chronically mentally  
6 ill adults and children, and seriously disturbed adults and children  
7 who are determined by regional support networks at their sole  
8 discretion to be at risk of becoming acutely or chronically mentally  
9 ill, the secretary shall encourage the development of regional support  
10 networks as follows:

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

13 All counties wishing to be recognized as a regional support network  
14 on December 1, 1989, shall submit their intentions regarding  
15 participation in the regional support networks by October 30, 1989,  
16 along with preliminary plans. Counties wishing to be recognized as a  
17 regional support network by January 1 of any year thereafter shall  
18 submit their intentions by October 30 of the previous year along with  
19 preliminary plans. The secretary shall assume all duties assigned to  
20 the nonparticipating counties under chapters 71.05 and 71.24 RCW on  
21 July 1, 1995. Such responsibilities shall include those which would  
22 have been assigned to the nonparticipating counties under regional  
23 support networks.

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

30 (16) The secretary shall:

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

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

12 (c) By July 1, 1993, allocate one hundred percent of available  
13 resources to regional support networks created by January 1, 1990, in  
14 a single grant. Regional support networks created by January 1, 1991,  
15 shall receive a single block grant by July 1, 1993; regional support  
16 networks created by January 1, 1992, shall receive a single block grant  
17 by July 1, 1994; and regional support networks created by January 1,  
18 1993, shall receive a single block grant by July 1, 1995. The grants  
19 shall include funds currently provided for all residential services,  
20 all services pursuant to chapter 71.05 RCW, and all community support  
21 services and shall be distributed in accordance with a formula  
22 submitted to the legislature by January 1, 1993, in accordance with  
23 subsection (14) of this section.

24 (d) By January 1, 1990, allocate available resources to regional  
25 support networks for community support services, resource management  
26 services, and residential services excluding evaluation and treatment  
27 facilities provided pursuant to chapter 71.05 RCW in a single grant  
28 using the distribution formula established in subsection (14) of this  
29 section.



1 (e) By March 1, 1990, or within sixty days of approval of the  
2 contract continuing through July 1, 1993, provide grants as  
3 specifically appropriated by the legislature to regional support  
4 networks for evaluation and treatment facilities for persons detained  
5 or committed for periods up to seventeen days according to chapter  
6 71.05 RCW. For regional support networks created by January 1, 1993,  
7 provide grants as specifically appropriated by the legislature to  
8 regional support networks for evaluation and treatment facilities for  
9 persons detained or committed for periods up to seventeen days  
10 according to chapter 71.05 RCW through July 1, 1995.

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

14 (g) Study and report to the legislature by December 1, 1989, on  
15 expanding the use of federal Title XIX funds and the definition of  
16 institutions for mental diseases to provide services to persons who are  
17 acutely mentally ill, chronically mentally ill, or at risk of becoming  
18 so. The study shall also include an assessment of the impact of Title  
19 XIX funds and the definition of institutions for mental diseases on the  
20 use of state funds to provide needed mental health services to the  
21 chronically mentally ill.

22 (h) Deny funding allocations to regional support networks based  
23 solely upon formal findings of noncompliance with the terms of the  
24 regional support network's contract with the department. Written  
25 notice and at least thirty days for corrective action must precede any  
26 such action. In such cases, regional support networks shall have full  
27 rights to appeal under chapter 34.05 RCW.

28 (i) Identify in its departmental biennial operating and capital  
29 budget requests the funds requested by regional support networks to  
30 implement their responsibilities under this chapter.

1 (j) Contract to provide or, if requested, make grants to counties  
2 to provide technical assistance to county authorities or groups of  
3 county authorities to develop regional support networks.

4 (k) Beginning on July 1, 1991, include funds in the regional  
5 support networks' allocation to ensure that community mental health  
6 practitioners in positions comparable to state workers be paid salaries  
7 equivalent to the salaries paid to state workers. Salary parity may be  
8 phased-in, but shall be achieved by July 1, 1995, and maintained  
9 thereafter.

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

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

25 **Sec. 2.** RCW 71.24.300 and 1989 c 205 s 5 are each amended to read  
26 as follows:

27 A county authority or a group of county authorities whose combined  
28 population is no less than forty thousand may enter into a joint  
29 operating agreement to form a regional support network. The roles and

1 responsibilities of county authorities shall be determined by the terms  
2 of that agreement and the provisions of law. The state mental health  
3 authority may not determine the roles and responsibilities of county  
4 authorities as to each other under regional support networks by rule,  
5 except to assure that all duties required of regional support networks  
6 are assigned and that a single authority has final responsibility for  
7 all available resources and performance under the regional support  
8 network's contract with the secretary.

9 (1) Regional support networks shall within three months of  
10 recognition submit an overall six-year operating and capital plan,  
11 timeline, and budget and submit progress reports and an updated two-  
12 year plan biennially thereafter, to assume within available resources  
13 all of the following duties by July 1, 1995, instead of those presently  
14 assigned to counties under RCW 71.24.045(1):

15 (a) Administer and provide for the availability of all resource  
16 management services, residential services, and community support  
17 services.

18 (b) Administer and provide for the availability of all  
19 investigation, transportation, court-related, and other services  
20 provided by the state or counties pursuant to chapter 71.05 RCW.

21 (c) By July 1, 1993, provide within the boundaries of each regional  
22 support network evaluation and treatment services for at least eighty-  
23 five percent of persons detained or committed for periods up to  
24 seventeen days according to chapter 71.05 RCW. Regional support  
25 networks with populations of less than one hundred fifty thousand may  
26 contract to purchase evaluation and treatment services from other  
27 networks. For regional support networks that are created after June  
28 30, 1991, the requirements of (c) of this subsection must be met by  
29 July 1, 1995.

1 (d) By July 1, 1993, administer a portion of funds appropriated by  
2 the legislature to house mentally ill persons in state institutions  
3 from counties within the boundaries of any regional support network,  
4 with the exception of mentally ill offenders, and provide for the care  
5 of all persons needing evaluation and treatment services for periods up  
6 to seventeen days according to chapter 71.05 RCW in appropriate  
7 residential services, which may include state institutions. The  
8 regional support networks shall reimburse the state for use of state  
9 institutions at a rate equal to that assumed by the legislature when  
10 appropriating funds for such care at state institutions during the  
11 biennium when reimbursement occurs. The duty of a state hospital to  
12 accept persons for evaluation and treatment under chapter 71.05 RCW is  
13 limited by the responsibilities assigned to regional support networks  
14 under this section. For regional support networks that are created  
15 after June 30, 1991, the requirements of (d) of this subsection must be  
16 met by July 1, 1995.

17 (e) Administer and provide for the availability of all other mental  
18 health services, which shall include patient counseling, day treatment,  
19 consultation, education services, and mental health services to  
20 children as provided in this chapter.

21 (f) Establish standards and procedures for reviewing individual  
22 service plans and determining when that person may be discharged from  
23 resource management services.

24 (2) Regional support networks shall assume all duties assigned to  
25 county authorities by this chapter and chapter 71.05 RCW.

26 (3) A regional support network may request that any state-owned  
27 land, building, facility, or other capital asset which was ever  
28 purchased, deeded, given, or placed in trust for the care of the  
29 mentally ill and which is within the boundaries of a regional support  
30 network be made available to support the operations of the regional

1 support network. State agencies managing such capital assets shall  
2 give first priority to requests for their use pursuant to this chapter.

3 (4) Each regional support network shall appoint a mental health  
4 advisory board which shall review and provide comments on plans and  
5 policies developed under this chapter. The composition of the board  
6 shall be broadly representative of the demographic character of the  
7 region and the mentally ill persons served therein. Length of terms of  
8 board members shall be determined by the regional support network.

9 (5) Regional support networks shall assume all duties specified in  
10 their plans and joint operating agreements through biennial contractual  
11 agreements with the secretary.

12 (6) Regional support networks shall provide funds to licensed  
13 service providers to ensure that community mental health practitioners  
14 in positions comparable to state workers be paid salaries equivalent to  
15 the salaries paid to state workers. The licensed service providers  
16 must submit a plan ensuring that funds will be used for salary  
17 increases for community mental health practitioners and demonstrating  
18 how the increases will achieve parity with salaries of state workers by  
19 July 1, 1995. Counties or groups of counties participating in a  
20 regional support network are not subject to RCW 71.24.045(7). The  
21 office of financial management shall consider information gathered in  
22 studies required in this chapter and information about the experience  
23 of other states to propose a mental health services administrative cost  
24 lid to the 1991 legislature which shall include administrative costs of  
25 licensed service providers, the state psychiatric hospitals and the  
26 department.

27 (7) The first regional support network contract may include a pilot  
28 project to: Establish standards and procedures for (a) making  
29 referrals for comprehensive medical examinations and treatment programs  
30 for those whose mental illness is caused or exacerbated by organic

1 disease, and (b) training staff in recognizing the relationship between  
2 mental illness and organic disease.