
SECOND SUBSTITUTE SENATE BILL 5667

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Niemi, West, Vognild, Bailey, Stratton, Saling, McMullen, L. Smith, Skratek and Sutherland).

Read first time March 11, 1991.

1 AN ACT Relating to local evaluation and treatment services;
2 amending RCW 71.24.035 and 71.24.300; creating a new section; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 71.24.035 and 1990 1st ex.s. c 8 s 1 are each amended
6 to read as follows:

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

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

12 (3) The secretary shall provide for participation in developing the
13 state mental health program for children and other underserved
14 populations, by including representatives on any committee established
15 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.

1 (16) By January 1, 1992, the secretary shall provide available
2 resources to regional support networks to operate freestanding
3 evaluation and treatment facilities or pay hospitals at the medicaid
4 rate according to RCW 74.09.120 for short-term inpatient psychiatric
5 care for patients enrolled in community support or residential services
6 and whose inpatient placement has been authorized by resource
7 management services, so long as the hospital providing treatment has a
8 signed agreement with regional support networks according to RCW
9 71.24.300(8).

10 (17) The secretary shall:

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

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

22 (c) By July 1, 1993, allocate one hundred percent of available
23 resources to regional support networks created by January 1, 1990, in
24 a single grant. Regional support networks created by January 1, 1991,
25 shall receive a single block grant by July 1, 1993; regional support
26 networks created by January 1, 1992, shall receive a single block grant
27 by July 1, 1994; and regional support networks created by January 1,
28 1993, shall receive a single block grant by July 1, 1995. The grants
29 shall include funds currently provided for all residential services,
30 all services pursuant to chapter 71.05 RCW, and all community support

1 services and shall be distributed in accordance with a formula
2 submitted to the legislature by January 1, 1993, in accordance with
3 subsection (14) of this section.

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

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

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

23 (g) Study and report to the legislature by December 1, 1989, on
24 expanding the use of federal Title XIX funds and the definition of
25 institutions for mental diseases to provide services to persons who are
26 acutely mentally ill, chronically mentally ill, or at risk of becoming
27 so. The study shall also include an assessment of the impact of Title
28 XIX funds and the definition of institutions for mental diseases on the
29 use of state funds to provide needed mental health services to the
30 chronically mentally ill.

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

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

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

13 (~~(17)~~) (18) The department of social and health services, in
14 cooperation with the state congressional delegation, shall actively
15 seek waivers of federal requirements and such modifications of federal
16 regulations as are necessary to allow federal medicaid reimbursement
17 for services provided by free-standing evaluation and treatment
18 facilities certified under chapter 71.05 RCW. The department shall
19 periodically report its efforts to the health care and corrections
20 committee of the senate and the human services committee of the house
21 of representatives.

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

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

3 A county authority or a group of county authorities whose combined
4 population is no less than forty thousand may enter into a joint
5 operating agreement to form a regional support network. The roles and
6 responsibilities of county authorities shall be determined by the terms
7 of that agreement and the provisions of law. The state mental health
8 authority may not determine the roles and responsibilities of county
9 authorities as to each other under regional support networks by rule,
10 except to assure that all duties required of regional support networks
11 are assigned and that a single authority has final responsibility for
12 all available resources and performance under the regional support
13 network's contract with the secretary.

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

20 (a) Administer and provide for the availability of all resource
21 management services, residential services, and community support
22 services.

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

26 (c) By July 1, 1993, provide within the boundaries of each regional
27 support network evaluation and treatment services for at least eighty-
28 five percent of persons detained or committed for periods up to
29 seventeen days according to chapter 71.05 RCW. Regional support
30 networks with populations of less than one hundred fifty thousand may

1 contract to purchase evaluation and treatment services from other
2 networks. For regional support networks that are created after June
3 30, 1991, the requirements of (c) of this subsection must be met by
4 July 1, 1995.

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

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

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

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

1 (3) A regional support network may request that any state-owned
2 land, building, facility, or other capital asset which was ever
3 purchased, deeded, given, or placed in trust for the care of the
4 mentally ill and which is within the boundaries of a regional support
5 network be made available to support the operations of the regional
6 support network. State agencies managing such capital assets shall
7 give first priority to requests for their use pursuant to this chapter.

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

14 (5) Regional support networks shall assume all duties specified in
15 their plans and joint operating agreements through biennial contractual
16 agreements with the secretary. Such contracts may include agreements
17 to provide periods of stable community living and work or other day
18 activities for specific chronically mentally ill persons who have
19 completed commitments at state hospitals on ninety-day or one hundred
20 eighty-day civil commitments or who have been residents at state
21 hospitals for no less than one hundred eighty days within the previous
22 year. Periods of stable community living may involve acute care in
23 local evaluation and treatment facilities but may not involve use of
24 state hospitals.

25 (6) Counties or groups of counties participating in a regional
26 support network are not subject to RCW 71.24.045(7). The office of
27 financial management shall consider information gathered in studies
28 required in this chapter and information about the experience of other
29 states to propose a mental health services administrative cost lid to
30 the 1991 legislature which shall include administrative costs of

1 licensed service providers, the state psychiatric hospitals and the
2 department.

3 (7) The first regional support network contract may include a pilot
4 project to: Establish standards and procedures for (a) making
5 referrals for comprehensive medical examinations and treatment programs
6 for those whose mental illness is caused or exacerbated by organic
7 disease, and (b) training staff in recognizing the relationship between
8 mental illness and organic disease.

9 (8) By November 1, 1991, and as part of each biennial plan
10 thereafter, each regional support network shall establish and submit to
11 the state, procedures and agreements to assure access to sufficient
12 additional local evaluation and treatment facilities to meet the
13 requirements of this chapter while reducing short-term admissions to
14 state hospitals. These shall be commitments to construct and operate,
15 or contract for the operation of, free standing evaluation and
16 treatment facilities or agreements with local evaluation and treatment
17 facilities which shall include (a) required admission and treatment for
18 short-term inpatient care for any person enrolled in community support
19 or residential services, (b) discharge planning procedures, (c)
20 limitations on admissions or transfers to state hospitals, (d) adequate
21 psychiatric supervision, (e) prospective payment methods, and (f)
22 contractual assurances regarding referrals to local evaluation and
23 treatment facilities from regional support networks.

24 NEW SECTION. Sec. 3. If specific funding for the purposes of
25 this act, referencing this act by bill number, is not provided by June
26 30, 1991, in the omnibus appropriations act, this act shall be null and
27 void.

1 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.