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**SUBSTITUTE SENATE BILL 5670**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Niemi and West).

Read first time March 6, 1991.

1 AN ACT Relating to screening and treatment of children for mental  
2 health services; amending RCW 71.24.015, 71.24.025, 71.24.035,  
3 71.24.045, and 71.24.300; creating a new section; and repealing RCW  
4 71.24.800.

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

6 **Sec. 1.** RCW 71.24.015 and 1989 c 205 s 1 are each amended to read  
7 as follows:

8 It is the intent of the legislature to establish a community mental  
9 health program which shall help people experiencing mental illness to  
10 retain a respected and productive position in the community. This will  
11 be accomplished through programs which provide for:

12 (1) Access to mental health services for adults (~~(and children)~~) of  
13 the state who are acutely mentally ill, chronically mentally ill, or  
14 seriously disturbed(~~(, or chronically mentally ill)~~) and children of  
15 the state who are acutely mentally ill, severely emotionally disturbed,

1 or seriously disturbed, which services recognize the special needs of  
2 underserved populations, including minorities, children, the elderly,  
3 disabled, and low-income persons. It is also the purpose of this  
4 chapter to ~~((ensure that))~~ promote the early identification of mentally  
5 ill children ~~((in need of mental health care and treatment))~~ and to  
6 ensure that they receive the mental health care and treatment which is  
7 appropriate to their developmental level. This care should improve  
8 home, school, and community functioning, maintain children in a safe  
9 and nurturing home environment, and ~~((to))~~ should enable treatment  
10 decisions to be made in response to clinical needs ~~((and))~~ in  
11 accordance with sound professional judgment while also recognizing  
12 parents' rights to participate in treatment decisions for their  
13 children;

14 (2) Accountability of services through state-wide standards for  
15 monitoring and reporting of information;

16 (3) Minimum service delivery standards;

17 (4) Priorities for the use of available resources for the care of  
18 the mentally ill;

19 (5) Coordination of services within the department, including those  
20 divisions within the department that provide services to children,  
21 between the department and the office of the superintendent of public  
22 instruction, and among state mental hospitals, county authorities,  
23 community mental health services, and other support services, which  
24 shall to the maximum extent feasible also include the families of the  
25 mentally ill, and other service providers; and

26 (6) Coordination of services aimed at reducing duplication in  
27 service delivery and promoting complementary services among all  
28 entities that provide mental health services to adults and children.

29 It is the policy of the state to encourage the provision of a full  
30 range of treatment and rehabilitation services in the state for mental

1 disorders. The legislature intends to encourage the development of  
2 county-based and county-managed mental health services with adequate  
3 local flexibility to assure eligible people in need of care access to  
4 the least-restrictive treatment alternative appropriate to their needs,  
5 and the availability of treatment components to assure continuity of  
6 care. To this end, counties are encouraged to enter into joint  
7 operating agreements with other counties to form regional systems of  
8 care which integrate planning, administration, and service delivery  
9 duties assigned to counties under chapters 71.05 and 71.24 RCW to  
10 consolidate administration, reduce administrative layering, and reduce  
11 administrative costs.

12 It is further the intent of the legislature to integrate the  
13 provision of services to provide continuity of care through all phases  
14 of treatment. To this end the legislature intends to promote active  
15 engagement with mentally ill persons and collaboration between families  
16 and service providers.

17 **Sec. 2.** RCW 71.24.025 and 1989 c 205 s 2 are each amended to read  
18 as follows:

19 Unless the context clearly requires otherwise, the definitions in  
20 this section apply throughout this chapter.

21 (1) "Acutely mentally ill" means a condition which is limited to a  
22 short-term severe crisis episode of:

23 (a) A mental disorder as defined in RCW 71.05.020(2) or, in the  
24 case of a child, as defined in RCW 71.34.020(12);

25 (b) Being gravely disabled as defined in RCW 71.05.020(1) or, in  
26 the case of a child, as defined in RCW 71.34.020(8); or

27 (c) Presenting a likelihood of serious harm as defined in RCW  
28 71.05.020(3) or, in the case of a child, as defined in RCW  
29 71.34.020(11).

1           (2) "Available resources" means those funds which shall be  
2 appropriated under this chapter by the legislature during any biennium  
3 for the purpose of providing community mental health programs under RCW  
4 71.24.045. When regional support networks are established or after  
5 July 1, 1995, "available resources" means federal funds, except those  
6 provided according to Title XIX of the social security act, and state  
7 funds appropriated under this chapter or chapter 71.05 RCW by the  
8 legislature during any biennium for the purpose of providing  
9 residential services, resource management services, community support  
10 services, and other mental health services. This does not include  
11 funds appropriated for the purpose of operating and administering the  
12 state psychiatric hospitals, except as negotiated according to RCW  
13 71.24.300(1)(d).

14           (3) "Licensed service provider" means an entity licensed according  
15 to this chapter or chapter 71.05 RCW that meets state minimum standards  
16 or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.88  
17 RCW.

18           (4) "Child" means a person under the age of eighteen years.

19           (5) "Chronically mentally ill ~~((person))~~ adult" means ~~((a child~~  
20 ~~or))~~ an adult who has a mental disorder~~((, in the case of a child as~~  
21 ~~defined by chapter 71.34 RCW,))~~ and meets at least one of the following  
22 criteria:

23           (a) Has undergone two or more episodes of hospital care for a  
24 mental disorder within the preceding two years ~~((or, in the case of a~~  
25 ~~child, has been placed by the department or its designee two or more~~  
26 ~~times outside of the home, where the placements are related to a mental~~  
27 ~~disorder, as defined in chapter 71.34 RCW, and where the placements~~  
28 ~~progress toward a more restrictive setting. Placements by the~~  
29 ~~department include but are not limited to placements by child~~  
30 ~~protective services and child welfare services)); or~~

1 (b) Has experienced a continuous psychiatric hospitalization or  
2 residential treatment exceeding six months' duration within the  
3 preceding year; or

4 (c) Has been unable to engage in any substantial gainful activity  
5 by reason of any mental disorder which has lasted for a continuous  
6 period of not less than twelve months. "Substantial gainful activity"  
7 shall be defined by the department by rule consistent with Public Law  
8 92-603, as amended(~~(, and shall include school attendance in the case~~  
9 ~~of a child; or~~

10 ~~(d) In the case of a child, has been subjected to continual~~  
11 ~~distress as indicated by repeated physical or sexual abuse or~~  
12 ~~neglect)).~~

13 (6) "Severely emotionally disturbed child" means an infant or child  
14 who has been determined by the regional support network to be  
15 experiencing a mental disorder as defined in chapter 71.34 RCW,  
16 including those mental disorders that result in a behavioral or conduct  
17 disorder, that is clearly interfering with the child's functioning in  
18 family or school or with peers and who meets at least one of the  
19 following criteria:

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

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

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

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

28 (i) Chronic family dysfunction involving a mentally ill or  
29 inadequate caretaker;

30 (ii) Changes in custodial adult;

1        (iii) Going to, residing in, or returning from any placement  
2 outside of the home, for example, psychiatric hospital, short-term  
3 inpatient, residential treatment, group or foster home, or a  
4 correctional facility;

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

6        (v) Drug or alcohol abuse; or

7        (vi) Homelessness.

8        (7) "Community mental health program" means all mental health  
9 services established by a county authority. After July 1, 1995, or  
10 when the regional support networks are established, "community mental  
11 health program" means all activities or programs using available  
12 resources.

13        ~~((+7))~~ (8) "Community support services" means services for acutely  
14 ~~((and))~~ mentally ill persons, chronically mentally ill ~~((persons))~~  
15 adults, and severely emotionally disturbed children and includes: (a)  
16 Discharge planning for clients leaving state mental hospitals, other  
17 acute care inpatient facilities, inpatient psychiatric facilities for  
18 persons under twenty-one years of age, and other children's mental  
19 health residential treatment facilities; (b) sufficient contacts with  
20 clients, families, schools, or significant others to provide for an  
21 effective program of community maintenance; and (c) medication  
22 monitoring. After July 1, 1995, or when regional support networks are  
23 established, for adults and children "community support services" means  
24 services authorized, planned, and coordinated through resource  
25 management services including, at least, assessment, diagnosis,  
26 emergency crisis intervention available twenty-four hours, seven days  
27 a week, prescreening determinations for mentally ill persons being  
28 considered for placement in nursing homes as required by federal law,  
29 screening for patients being considered for admission to residential  
30 services, diagnosis and treatment for acutely mentally ill and severely

1 emotionally disturbed children discovered under screening through the  
2 federal Title XIX early and periodic screening, diagnosis, and  
3 treatment program, investigation, legal, and other nonresidential  
4 services under chapter 71.05 RCW, case management services, psychiatric  
5 treatment including medication supervision, counseling, psychotherapy,  
6 assuring transfer of relevant patient information between service  
7 providers, other services determined by regional support networks, and  
8 maintenance of a patient tracking system for chronically mentally ill  
9 (~~persons~~) adults and severely emotionally disturbed children.

10 ~~((8))~~ (9) "County authority" means the board of county  
11 commissioners, county council, or county executive having authority to  
12 establish a community mental health program, or two or more of the  
13 county authorities specified in this subsection which have entered into  
14 an agreement to provide a community mental health program.

15 ~~((9))~~ (10) "Department" means the department of social and health  
16 services.

17 ~~((10))~~ (11) "Mental health services" means community services  
18 pursuant to RCW 71.24.035(5)(b) and other services provided by the  
19 state for the mentally ill. When regional support networks are  
20 established, or after July 1, 1995, "mental health services" shall  
21 include all services provided by regional support networks.

22 ~~((11))~~ (12) "Mentally ill persons" and "the mentally ill" mean  
23 persons and conditions defined in subsections (1), (5), (6), and  
24 ~~((15))~~ (16) of this section.

25 ~~((12))~~ (13) "Regional support network" means a county authority  
26 or group of county authorities recognized by the secretary that enter  
27 into joint operating agreements to contract with the secretary pursuant  
28 to this chapter.

1       (~~(13)~~) (14) "Residential services" means a facility or distinct  
2 part thereof which provides food and shelter, and may include treatment  
3 services.

4       When regional support networks are established, or after July 1,  
5 1995, for adults and children "residential services" means a complete  
6 range of residences and supports authorized by resource management  
7 services and which may involve a facility, a distinct part thereof, or  
8 services which support community living, for acutely mentally ill  
9 persons, chronically mentally ill (~~(persons)~~) adults, severely  
10 emotionally disturbed children, or seriously disturbed (~~(persons)~~)  
11 adults determined by the regional support network to be at risk of  
12 becoming acutely or chronically mentally ill. The services shall  
13 include at least evaluation and treatment services as defined in  
14 chapter 71.05 RCW, acute crisis respite care, long-term adaptive and  
15 rehabilitative care, and supervised and supported living services, and  
16 shall also include any residential services developed to service  
17 mentally ill persons in nursing homes. Residential services for  
18 children in out-of-home placements related to their mental disorder  
19 shall not include the costs of food and shelter, except for children's  
20 long-term residential facilities existing prior to January 1, 1991.

21       (~~(14)~~) (15) "Resource management services" mean the planning,  
22 coordination, and authorization of residential services and community  
23 support services administered pursuant to an individual service plan  
24 for acutely mentally ill adults and children, chronically mentally ill  
25 adults (~~(and children)~~), severely emotionally disturbed children, or  
26 seriously disturbed adults (~~(and children)~~) determined by the regional  
27 support network at their sole discretion to be at risk of becoming  
28 acutely or chronically mentally ill. Such planning, coordination, and  
29 authorization shall include mental health screening for children  
30 eligible under the federal Title XIX early and periodic screening,



1 diagnosis, and treatment program. Resource management services include  
2 seven day a week, twenty-four hour a day availability of information  
3 regarding mentally ill adults' and children's enrollment in services  
4 and their individual service plan to county-designated mental health  
5 professionals, evaluation and treatment facilities, and others as  
6 determined by the regional support network.

7 ~~((15))~~ (16) "Seriously disturbed person" means a person who:

8 (a) Is gravely disabled or presents a likelihood of serious harm to  
9 oneself or others as a result of a mental disorder as defined in  
10 chapter 71.05 RCW;

11 (b) Has been on conditional release status at some time during the  
12 preceding two years from an evaluation and treatment facility or a  
13 state mental health hospital;

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

16 (d) Exhibits suicidal preoccupation or attempts; or

17 (e) Is a child diagnosed by a mental health professional, as  
18 defined in RCW 71.05.020, as experiencing a mental disorder which is  
19 clearly interfering with the child's functioning in family or school or  
20 with peers or is clearly interfering with the child's personality  
21 development and learning.

22 ~~((16))~~ (17) "Secretary" means the secretary of social and health  
23 services.

24 ~~((17))~~ (18) "State minimum standards" means: (a) Minimum  
25 requirements for delivery of mental health services as established by  
26 departmental rules and necessary to implement this chapter, including  
27 but not limited to licensing service providers and services; (b)  
28 minimum service requirements for licensed service providers for the  
29 provision of mental health services as established by departmental  
30 rules pursuant to chapter 34.05 RCW as necessary to implement this

1 chapter, including, but not limited to: Qualifications for staff  
2 providing services directly to mentally ill persons; the intended  
3 result of each service; and the rights and responsibilities of persons  
4 receiving mental health services pursuant to this chapter; (c) minimum  
5 requirements for residential services as established by the department  
6 in rule based on clients' functional abilities and not solely on their  
7 diagnoses, limited to health and safety, staff qualifications, and  
8 program outcomes. Minimum requirements for residential services are  
9 those developed in collaboration with consumers, families, counties,  
10 regulators, and residential providers serving the mentally ill.  
11 Minimum requirements encourage the development of broad-range  
12 residential programs, including integrated housing and cross-systems  
13 programs where appropriate, and do not unnecessarily restrict  
14 programming flexibility; and (d) minimum standards for community  
15 support services and resource management services, including at least  
16 qualifications for resource management services, client tracking  
17 systems, and the transfer of patient information between service  
18 providers.

19 **Sec. 3.** RCW 71.24.035 and 1990 1st ex.s. c 8 s 1 are each amended  
20 to read as follows:

21 (1) The department is designated as the state mental health  
22 authority.

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

26 (3) The secretary shall provide for participation in developing the  
27 state mental health program for children and other underserved  
28 populations, by including representatives on any committee established  
29 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 adults and severely emotionally disturbed children; and  
13 (iii) the 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) 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, severely emotionally disturbed, and  
16 seriously disturbed as defined in chapter 71.24 RCW. The formula shall  
17 take into consideration the impact on counties of demographic factors  
18 in counties which result in concentrations of priority populations as  
19 defined in subsection (15) of this section. These factors shall include  
20 the population concentrations resulting from commitments under the  
21 involuntary treatment act, chapter 71.05 RCW, to state psychiatric  
22 hospitals, as well as concentration in urban areas, at border crossings  
23 at state boundaries, and other significant demographic and workload  
24 factors.

25 (b) The department shall submit a proposed distribution formula in  
26 accordance with this section to the ways and means and health ((~~care~~  
27 ~~and corrections~~)) and long-term care committees of the senate and to  
28 the ways and means and human services committees of the house of  
29 representatives by October 1, ((1989)) 1991. The formula shall also  
30 include a projection of the funding allocations that will result for

1 each county, which specifies allocations according to priority  
2 populations, including the allocation for services to children and  
3 other underserved populations.

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

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

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

26 The implementation of regional support networks, or the secretary's  
27 assumption of all responsibilities under chapters 71.05 and 71.24 RCW,  
28 shall be included in all state and federal plans affecting the state  
29 mental health program including at least those required by this



1 chapter, the medicaid program, and P.L. 99-660. Nothing in these plans  
2 shall be inconsistent with the intent and requirements of this chapter.

3 (16) The secretary shall:

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

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

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

27 (d) By January 1, 1990, allocate available resources to regional  
28 support networks for community support services, resource management  
29 services, and residential services excluding evaluation and treatment  
30 facilities provided pursuant to chapter 71.05 RCW in a single grant

1 using the distribution formula established in subsection (14) of this  
2 section.

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

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

17 ~~(g) ((Study and report to the legislature by December 1, 1989, on  
18 expanding the use of federal Title XIX funds and the definition of  
19 institutions for mental diseases to provide services to persons who are  
20 acutely mentally ill, chronically mentally ill, or at risk of becoming  
21 so. The study shall also include an assessment of the impact of Title  
22 XIX funds and the definition of institutions for mental diseases on the  
23 use of state funds to provide needed mental health services to the  
24 chronically mentally ill.)) Amend the Title XIX funding plan for  
25 services provided to children through the early and periodic screening,  
26 diagnosis, and treatment program to:~~

27 (i) Authorize regional support networks as exclusive agents of the  
28 state to certify mental health screening providers;

29 (ii) The department, in consultation with regional support networks  
30 and private practitioners, shall develop criteria for use by screening

1 providers under the federal Title XIX early and periodic screening,  
2 diagnosis, and treatment program to identify children with mental  
3 disorders eligible for referral to further evaluation, diagnosis, and  
4 treatment planning;

5 (iii) Require prior authorization and utilization review for  
6 residential and inpatient services including inpatient acute  
7 hospitalizations and evaluation and treatment facilities as defined in  
8 RCW 71.34.020; and

9 (iv) Provide reimbursement for specialized family, home, school,  
10 and community-based mental health services or programs designed to  
11 promote primary prevention and maximize the development and potential  
12 of acutely mentally ill and severely emotionally disturbed children and  
13 their families.

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

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

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

26 (17) The department of social and health services, in cooperation  
27 with the state congressional delegation, shall actively seek waivers of  
28 federal requirements and such modifications of federal regulations as  
29 are necessary to allow federal medicaid reimbursement for services  
30 provided by free-standing evaluation and treatment facilities certified

1 under chapter 71.05 RCW. The department shall periodically report its  
2 efforts to the health care and corrections committee of the senate and  
3 the human services committee of the house of representatives.

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

11 **Sec. 4.** RCW 71.24.045 and 1989 c 205 s 4 are each amended to read  
12 as follows:

13 The county authority shall:

14 (1) Submit biennial needs assessments beginning January 1, 1983,  
15 and mental health service plans which incorporate all services provided  
16 for by the county authority consistent with state minimum standards and  
17 which provide access to treatment for the county's residents including  
18 children and other underserved populations who are acutely mentally  
19 ill, chronically mentally ill, severely emotionally disturbed, or  
20 seriously disturbed. The county program shall provide:

21 (a) Outpatient services;

22 (b) Emergency care services for twenty-four hours per day;

23 (c) Day treatment for mentally ill persons which includes training  
24 in basic living and social skills, supported work, vocational  
25 rehabilitation, and day activities. Such services may include  
26 therapeutic treatment. In the case of a child, day treatment includes  
27 age-appropriate basic living and social skills, educational and  
28 prevocational services, day activities, and therapeutic treatment;

1 (d) Screening for patients being considered for admission to state  
2 mental health facilities to determine appropriateness of admission;

3 (e) Consultation and education services;

4 (f) Residential and inpatient services, if the county chooses to  
5 provide such optional services; and

6 (g) Community support services.

7 The county shall develop the biennial needs assessment based on  
8 clients to be served, services to be provided, and the cost of those  
9 services, and may include input from the public, clients, and licensed  
10 service providers. Each county authority may appoint a county mental  
11 health advisory board which shall review and provide comments on plans  
12 and policies developed by the county authority under this chapter. The  
13 composition of the board shall be broadly representative of the  
14 demographic character of the county and the mentally ill persons served  
15 therein. Length of terms of board members shall be determined by the  
16 county authority;

17 (2) Contract as needed with licensed service providers. The county  
18 authority may, in the absence of a licensed service provider entity,  
19 become a licensed service provider entity pursuant to minimum standards  
20 required for licensing by the department for the purpose of providing  
21 services not available from licensed service providers;

22 (3) Operate as a licensed service provider if it deems that doing  
23 so is more efficient and cost effective than contracting for services.  
24 When doing so, the county authority shall comply with rules promulgated  
25 by the secretary that shall provide measurements to determine when a  
26 county provided service is more efficient and cost effective.

27 (4) Monitor and perform biennial fiscal audits of licensed service  
28 providers who have contracted with the county to provide services  
29 required by this chapter. The monitoring and audits shall be performed  
30 by means of a formal process which insures that the licensed service

1 providers and professionals designated in this subsection meet the  
2 terms of their contracts, including the minimum standards of service  
3 delivery as established by the department;

4 (5) 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 chapter;

7 (6) Maintain patient tracking information in a central location as  
8 required for resource management services;

9 (7) Use not more than two percent of state-appropriated community  
10 mental health funds, which shall not include federal funds, to  
11 administer community mental health programs under RCW 71.24.155:  
12 PROVIDED, That county authorities serving a county or combination of  
13 counties whose population is equal to or greater than that of a county  
14 of the first class may be entitled to sufficient state-appropriated  
15 community mental health funds to employ up to one full-time employee or  
16 the equivalent thereof in addition to the two percent limit established  
17 in this subsection when such employee is providing staff services to a  
18 county mental health advisory board;

19 (8) Coordinate services for individuals who have received services  
20 through the community mental health system and who become patients at  
21 a state mental hospital.

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

24 A county authority or a group of county authorities whose combined  
25 population is no less than forty thousand may enter into a joint  
26 operating agreement to form a regional support network. The roles and  
27 responsibilities of county authorities shall be determined by the terms  
28 of that agreement and the provisions of law. The state mental health  
29 authority may not determine the roles and responsibilities of county

1 authorities as to each other under regional support networks by rule,  
2 except to assure that all duties required of regional support networks  
3 are assigned and that a single authority has final responsibility for  
4 all available resources and performance under the regional support  
5 network's contract with the secretary.

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

12 (a) Administer and provide for the availability of all resource  
13 management services, residential services, and community support  
14 services.

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

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

27 (d) By July 1, 1993, administer a portion of funds appropriated by  
28 the legislature to house mentally ill persons in state institutions  
29 from counties within the boundaries of any regional support network,  
30 with the exception of mentally ill offenders, and provide for the care

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

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

17 (f) Plan and coordinate mental health services for all mentally ill  
18 children in collaboration with juvenile justice, child  
19 protection/welfare, school, developmental disability, and other child-  
20 serving systems and underserved populations. All other child-serving  
21 systems shall review the regional support network's children's mental  
22 health services plan and consider relevant recommendations in their  
23 federal, state, and local funding requests and service plans.

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

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

29 (3) A regional support network may request that any state-owned  
30 land, building, facility, or other capital asset which was ever



1 purchased, deeded, given, or placed in trust for the care of the  
2 mentally ill and which is within the boundaries of a regional support  
3 network be made available to support the operations of the regional  
4 support network. State agencies managing such capital assets shall give  
5 first priority to requests for their use pursuant to this chapter.

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

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

15 (6) Counties or groups of counties participating in a regional  
16 support network are not subject to RCW 71.24.045(7). The office of  
17 financial management shall consider information gathered in studies  
18 required in this chapter and information about the experience of other  
19 states to propose a mental health services administrative cost lid to  
20 the 1991 legislature which shall include administrative costs of  
21 licensed service providers, the state psychiatric hospitals and the  
22 department.

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

1        NEW SECTION.    **Sec. 6.**    RCW 71.24.800 and 1987 c 439 s 4 are each  
2 repealed.

3        NEW SECTION.    **Sec. 7.**    If any part of this act is found to be in  
4 conflict with federal requirements that are a prescribed condition to  
5 the allocation of federal funds to the state, the conflicting part of  
6 this act is inoperative solely to the extent of the conflict and with  
7 respect to the agencies directly affected, and this finding does not  
8 affect the operation of the remainder of this act in its application to  
9 the agencies concerned. The rules under this act shall meet federal  
10 requirements that are a necessary condition to the receipt of federal  
11 funds by the state.

12        However, if any part of this act conflicts with such federal  
13 requirements, the state appropriation for mental health services  
14 provided to children whose mental disorders are discovered under  
15 screening through the federal Title XIX early and periodic screening,  
16 diagnosis, and treatment program shall be provided through the division  
17 of medical assistance and no state funds appropriated to the division  
18 of mental health shall be expended or transferred for this purpose.