
SUBSTITUTE SENATE BILL 5671

State of Washington

52nd Legislature

1991 Regular Session

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

Read first time March 6, 1991.

1 AN ACT Relating to including employment services with the range of
2 services offered for community mental health; and amending RCW
3 71.24.035 and 71.24.300.

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) Employment services, which may include supported employment,
25 transitional work, placement in competitive employment, and other work-
26 related services, that result in mentally ill persons becoming engaged
27 in meaningful and gainful full or part-time work;

28 Other sources of funding such as the division of vocational
29 rehabilitation may be utilized by the secretary to maximize federal
30 funding and provide for integration of services;

1 ~~(F)~~ Consultation and education services; and

2 ~~((F))~~ (G) Community support services;

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

6 (i) Licensed service providers;

7 (ii) Regional support networks; and

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

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

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

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

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

1 system for that network that will be adequate for the regional support
2 network to perform its required duties under this chapter;

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

4 (i) Certify regional support networks that meet state minimum
5 standards;

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

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

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

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

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

27 (6) The secretary shall use available resources appropriated
28 specifically for community mental health programs only for programs
29 under RCW 71.24.045. After July 1, 1995, or when regional support

1 networks are established, available resources may be used only for
2 regional support networks.

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

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

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

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

29 (11) The secretary shall adopt such rules as may be necessary to
30 effectuate the intent and purposes of this chapter, which shall include

1 but not be limited to certification and licensing and other action
2 relevant to certifying regional support networks and licensing service
3 providers.

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

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

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

1 (b) The department shall submit a proposed distribution formula in
2 accordance with this section to the ways and means and health care and
3 corrections committees of the senate and to the ways and means and
4 human services committees of the house of representatives by October 1,
5 1989. The formula shall also include a projection of the funding
6 allocations that will result for each county, which specifies
7 allocations according to priority populations, including the allocation
8 for services to children and other underserved populations.

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

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

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

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

7 (16) The secretary shall:

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

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

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

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

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

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

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

28 (h) Deny funding allocations to regional support networks based
29 solely upon formal findings of noncompliance with the terms of the
30 regional support network's contract with the department. Written

1 notice and at least thirty days for corrective action must precede any
2 such action. In such cases, regional support networks shall have full
3 rights to appeal under chapter 34.05 RCW.

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

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

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, employment services as defined in RCW
20 71.24.035, and mental health services to children as provided in this
21 chapter.

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

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

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

1 network be made available to support the operations of the regional
2 support network. State agencies managing such capital assets shall
3 give first priority to requests for their use pursuant to this chapter.

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

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

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

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