
SENATE BILL 6318

State of Washington

52nd Legislature

1992 Regular Session

By Senators Niemi, West and Bailey

Read first time 01/24/92. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to refining the provisions for mental health
2 reform; amending RCW 71.24.025; reenacting and amending RCW 71.24.035,
3 71.24.045, and 71.24.300; creating a new section; repealing RCW
4 72.06.010, 72.06.050, 72.06.060, and 72.06.070; and providing an
5 effective date.

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

7 NEW SECTION. **Sec. 1.** It is the intent of this act to:

8 (1) Focus, restate, and emphasize the legislature's commitment to
9 the mental health reform embodied in chapter 111, Laws of 1989 (SB
10 5400);

11 (2) Eliminate, or schedule for repeal, statutes that are no longer
12 relevant to the regulation of the state's mental health program; and

1 (3) Reaffirm the state's commitment to provide incentives that
2 reduce reliance on inappropriate state hospital or other inpatient
3 care.

4 **Sec. 2.** RCW 71.24.025 and 1991 c 306 s 2 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

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

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

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

14 (c) Presenting a likelihood of serious harm as defined in RCW
15 71.05.020(3) or, in the case of a child, as defined in RCW
16 71.34.020(11).

17 (2) "Available resources" means those funds which shall be
18 appropriated under this chapter by the legislature during any biennium
19 for the purpose of providing community mental health programs under RCW
20 71.24.045. When regional support networks are established or after
21 July 1, 1995, "available resources" means federal funds, (~~except~~)
22 including those provided according to Title XIX of the social security
23 act, and state funds appropriated under this chapter or chapter 71.05
24 RCW by the legislature during any biennium for the purpose of providing
25 residential services, resource management services, community support
26 services, and other mental health services. After July 1995, this
27 (~~does not~~) shall include a portion of the funds appropriated for the
28 purpose of operating and administering the state psychiatric hospitals,
29 (~~except~~) as negotiated according to RCW 71.24.300(1)(d).

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

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

6 (5) "Chronically mentally ill adult" means an adult who has a
7 mental disorder and meets at least one of the following criteria:

8 (a) Has undergone two or more episodes of hospital care for a
9 mental disorder within the preceding two years; or

10 (b) Has experienced a continuous psychiatric hospitalization or
11 residential treatment exceeding six months' duration within the
12 preceding year; or

13 (c) Has been unable to engage in any substantial gainful activity
14 by reason of any mental disorder which has lasted for a continuous
15 period of not less than twelve months. "Substantial gainful activity"
16 shall be defined by the department by rule consistent with Public Law
17 92-603, as amended.

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

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

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

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

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

5 (i) Chronic family dysfunction involving a mentally ill or
6 inadequate caretaker;

7 (ii) Changes in custodial adult;

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

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

13 (v) Drug or alcohol abuse; or

14 (vi) Homelessness.

15 (7) "Community mental health program" means all mental health
16 services established by a county authority. After July 1, 1995, or
17 when the regional support networks are established, "community mental
18 health program" means all activities or programs using available
19 resources.

20 (8) "Community support services" means services for acutely
21 mentally ill persons, chronically mentally ill adults, and severely
22 emotionally disturbed children and includes: (a) Discharge planning
23 for clients leaving state mental hospitals, other acute care inpatient
24 facilities, inpatient psychiatric facilities for persons under twenty-
25 one years of age, and other children's mental health residential
26 treatment facilities; (b) sufficient contacts with clients, families,
27 schools, or significant others to provide for an effective program of
28 community maintenance; and (c) medication monitoring. After July 1,
29 1995, or when regional support networks are established, for adults and
30 children "community support services" means services authorized,

1 planned, and coordinated through resource management services
2 including, at least, assessment, diagnosis, emergency crisis
3 intervention available twenty-four hours, seven days a week,
4 prescreening determinations for mentally ill persons being considered
5 for placement in nursing homes as required by federal law, screening
6 for patients being considered for admission to residential services,
7 diagnosis and treatment for acutely mentally ill and severely
8 emotionally disturbed children discovered under screening through the
9 federal Title XIX early and periodic screening, diagnosis, and
10 treatment program, investigation, legal, and other nonresidential
11 services under chapter 71.05 RCW, case management services, psychiatric
12 treatment including medication supervision, counseling, psychotherapy,
13 assuring transfer of relevant patient information between service
14 providers, other services determined by regional support networks, and
15 maintenance of a patient tracking system for chronically mentally ill
16 adults and severely emotionally disturbed children.

17 (9) "County authority" means the board of county commissioners,
18 county council, or county executive having authority to establish a
19 community mental health program, or two or more of the county
20 authorities specified in this subsection which have entered into an
21 agreement to provide a community mental health program.

22 (10) "Department" means the department of social and health
23 services.

24 (11) "Mental health services" means community services pursuant to
25 RCW 71.24.035(5)(b) and other services provided by the state for the
26 mentally ill. When regional support networks are established, or after
27 July 1, 1995, "mental health services" shall include all services
28 provided by regional support networks.

1 (12) "Mentally ill persons" and "the mentally ill" mean persons and
2 conditions defined in subsections (1), (5), (6), and (16) of this
3 section.

4 (13) "Regional support network" means a county authority or group
5 of county authorities recognized by the secretary that enter into joint
6 operating agreements to contract with the secretary pursuant to this
7 chapter.

8 (14) "Residential services" means a facility or distinct part
9 thereof which provides food and shelter, and may include treatment
10 services.

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

28 (15) "Resource management services" mean the planning,
29 coordination, and authorization of residential services and community
30 support services administered pursuant to an individual service plan

1 for acutely mentally ill adults and children, chronically mentally ill
2 adults, severely emotionally disturbed children, or seriously disturbed
3 adults determined by the regional support network at their sole
4 discretion to be at risk of becoming acutely or chronically mentally
5 ill. Such planning, coordination, and authorization shall include
6 mental health screening for children eligible under the federal Title
7 XIX early and periodic screening, diagnosis, and treatment program.
8 Resource management services include seven day a week, twenty-four hour
9 a day availability of information regarding mentally ill adults' and
10 children's enrollment in services and their individual service plan to
11 county-designated mental health professionals, evaluation and treatment
12 facilities, and others as determined by the regional support network.

13 (16) "Seriously disturbed person" means a person who:

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

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

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

22 (d) Exhibits suicidal preoccupation or attempts; or

23 (e) Is a child diagnosed by a mental health professional, as
24 defined in RCW 71.05.020, as experiencing a mental disorder which is
25 clearly interfering with the child's functioning in family or school or
26 with peers or is clearly interfering with the child's personality
27 development and learning.

28 (17) "Secretary" means the secretary of social and health services.

29 (18) "State minimum standards" means: (a) Minimum requirements for
30 delivery of mental health services as established by departmental rules

1 and necessary to implement this chapter, including but not limited to
2 licensing service providers and services; (b) minimum service
3 requirements for licensed service providers for the provision of mental
4 health services as established by departmental rules pursuant to
5 chapter 34.05 RCW as necessary to implement this chapter, including,
6 but not limited to: Qualifications for staff providing services
7 directly to mentally ill persons; the intended result of each service;
8 and the rights and responsibilities of persons receiving mental health
9 services pursuant to this chapter; (c) minimum requirements for
10 residential services as established by the department in rule based on
11 clients' functional abilities and not solely on their diagnoses,
12 limited to health and safety, staff qualifications, and program
13 outcomes. Minimum requirements for residential services are those
14 developed in collaboration with consumers, families, counties,
15 regulators, and residential providers serving the mentally ill.
16 Minimum requirements encourage the development of broad-range
17 residential programs, including integrated housing and cross-systems
18 programs where appropriate, and do not unnecessarily restrict
19 programming flexibility; and (d) minimum standards for community
20 support services and resource management services, including at least
21 qualifications for resource management services, client tracking
22 systems, and the transfer of patient information between service
23 providers.

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

26 (1) The department is designated as the state mental health
27 authority.

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

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

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

11 (5) The secretary shall:

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

16 (b) Assure that any county community mental health program provides
17 access to treatment for the county's residents in the following order
18 of priority: (i) The acutely mentally ill; (ii) chronically mentally
19 ill adults and severely emotionally disturbed children; and (iii) the
20 seriously disturbed. Such programs 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;

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

1 (E) Employment services, which may include supported employment,
2 transitional work, placement in competitive employment, and other
3 work-related services, that result in mentally ill persons becoming
4 engaged in meaningful and gainful full or part-time work. Other
5 sources of funding such as the division of vocational rehabilitation
6 may be utilized by the secretary to maximize federal funding and
7 provide for integration of services;

8 (F) Consultation and education services; and

9 (G) Community support services;

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

13 (i) Licensed service providers;

14 (ii) Regional support networks; and

15 (iii) Residential and inpatient services, evaluation and treatment
16 services and facilities under chapter 71.05 RCW, resource management
17 services, and community support services;

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

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

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

26 (g) Develop and maintain an information system to be used by the
27 state, counties, and regional support networks when they are
28 established which shall include a tracking method which allows the
29 department and regional support networks to identify mental health
30 clients' participation in any mental health service or public program

1 on an immediate basis. The information system shall not include
2 individual patient's case history files. Confidentiality of client
3 information and records shall be maintained as provided in this chapter
4 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and
5 71.05.440. The system shall be fully operational no later than January
6 1, 1993(~~(: PROVIDED, HOWEVER, That when a regional support network is~~
7 ~~established, the department shall have an operational interim tracking~~
8 ~~system for that network that will be adequate for the regional support~~
9 ~~network to perform its required duties under this chapter))~~);

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

11 (i) Certify regional support networks that meet state minimum
12 standards;

13 (j) Periodically inspect certified regional support networks and
14 licensed service providers at reasonable times and in a reasonable
15 manner; and

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

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

21 (m) (~~(Prior to September 1, 1989,)~~) Adopt such rules as are
22 necessary to implement the department's responsibilities under this
23 chapter pursuant to chapter 34.05 RCW(~~(: PROVIDED, That such rules~~
24 ~~shall be submitted to the appropriate committees of the legislature for~~
25 ~~review and comment prior to adoption; and~~

26 ~~(n) Beginning July 1, 1989, and continuing through July 1, 1993,))~~;

27 (n) Track by region ((and)), county diagnosis, and eligibility for
28 state funded nonmental health services, the use and cost of state
29 hospital and local evaluation and treatment facilities for seventy-two
30 hour detention, fourteen, ninety, and one hundred eighty day

1 commitments pursuant to chapter 71.05 RCW, voluntary care in state
2 hospitals, and voluntary community inpatient care covered by the
3 medical assistance program. Service use and cost reports shall be
4 provided to regions and appropriate operating divisions of the
5 department in a timely fashion at six-month intervals; and

6 (o) Administer a fund that may be appropriated by the legislature
7 from state hospital and regional support network funds to enhance
8 contracts with regional support networks that agree to provide periods
9 of stable community living according to RCW 71.24.300(5).

10 (6) The secretary shall use available resources appropriated
11 specifically for community mental health programs only for programs
12 under RCW 71.24.045. After July 1, 1995, or when regional support
13 networks are established, available resources may be used only for
14 regional support networks.

15 (7) Each certified regional support network and licensed service
16 provider shall file with the secretary, on request, such data,
17 statistics, schedules, and information as the secretary reasonably
18 requires. A certified regional support network or licensed service
19 provider which, without good cause, fails to furnish any data,
20 statistics, schedules, or information as requested, or files fraudulent
21 reports thereof, may have its certification or license revoked or
22 suspended.

23 (8) The secretary may suspend, revoke, limit, or restrict a
24 certification or license, or refuse to grant a certification or license
25 for failure to conform to the law, applicable rules and regulations, or
26 applicable standards, or failure to meet the minimum standards
27 established pursuant to this section.

28 (9) The superior court may restrain any regional support network or
29 service provider from operating without certification or a license or
30 any other violation of this section. The court may also review,

1 pursuant to procedures contained in chapter 34.05 RCW, any denial,
2 suspension, limitation, restriction, or revocation of certification or
3 license, and grant other relief required to enforce the provisions of
4 this chapter.

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

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

16 (12) Notwithstanding the existence or pursuit of any other remedy,
17 the secretary may, in the manner provided by law, upon the advice of
18 the attorney general who shall represent the secretary in the
19 proceedings, maintain an action in the name of the state for an
20 injunction or other process against any person or governmental unit to
21 restrain or prevent the establishment, conduct, or operation of a
22 regional support network or service provider without certification or
23 a license under this chapter.

24 (13) The standards for certification of evaluation and treatment
25 facilities shall include standards relating to maintenance of good
26 physical and mental health and other services to be afforded persons
27 pursuant to this chapter and chapter 71.05 RCW, and shall otherwise
28 assure the effectuation of the purposes and intent of this chapter and
29 chapter 71.05 RCW.

1 (14)(({a})) The department, in consultation with affected parties,
2 shall establish a distribution formula that reflects county needs
3 assessments based on the number of persons who are acutely mentally
4 ill, chronically mentally ill, severely emotionally disturbed, and
5 seriously disturbed as defined in chapter 71.24 RCW. The formula shall
6 take into consideration the impact on counties of demographic factors
7 in counties which result in concentrations of priority populations as
8 defined in subsection (15) of this section. These factors shall
9 include the population concentrations resulting from commitments under
10 the involuntary treatment act, chapter 71.05 RCW, to state psychiatric
11 hospitals, as well as concentration in urban areas, at border crossings
12 at state boundaries, and other significant demographic and workload
13 factors. Beginning with the contracting period July 1, 1993, the
14 funding formula for participating regional support networks may include
15 a factor related to use of state hospitals.

16 (~~{b} The department shall submit a proposed distribution formula~~
17 ~~in accordance with this section to the ways and means and health and~~
18 ~~long term care committees of the senate and to the ways and means and~~
19 ~~human services committees of the house of representatives by October 1,~~
20 ~~1991. The formula shall also include a projection of the funding~~
21 ~~allocations that will result for each county, which specifies~~
22 ~~allocations according to priority populations, including the allocation~~
23 ~~for services to children and other underserved populations.))~~

24 (15) To supersede duties assigned under subsection (5) (a) and (b)
25 of this section, and to assure a county-based, integrated system of
26 care for acutely mentally ill adults and children, chronically mentally
27 ill adults, severely emotionally disturbed children, and seriously
28 disturbed adults and children who are determined by regional support
29 networks at their sole discretion to be at risk of becoming acutely or
30 chronically mentally ill, or severely emotionally disturbed, the

1 secretary shall encourage the development of regional support networks
2 as follows:

3 ~~((By December 1, 1989,))~~ The secretary shall recognize regional
4 support networks requested by counties or groups of counties.

5 ~~((All counties wishing to be recognized as a regional support
6 network on December 1, 1989, shall submit their intentions regarding
7 participation in the regional support networks by October 30, 1989,
8 along with preliminary plans.))~~ Counties wishing to be recognized as
9 a regional support network by January 1 of any year ~~((thereafter))~~
10 shall submit their intentions by October 30 of the previous year along
11 with preliminary plans. The secretary shall assume all duties assigned
12 to the nonparticipating counties under chapters 71.05 and 71.24 RCW on
13 July 1, 1995. Such responsibilities shall include those which would
14 have been assigned to the nonparticipating counties under regional
15 support networks.

16 The implementation of regional support networks, or the secretary's
17 assumption of all responsibilities under chapters 71.05 and 71.24 RCW,
18 shall be included in all state and federal plans, contracts, or
19 agreements affecting the state mental health program including at least
20 those required by this chapter, the medicaid program, and P.L. 99-660.
21 Nothing in these plans, contracts, or agreements shall be inconsistent
22 with the intent and requirements of this chapter. Those plans,
23 contracts, agreements, and any applicable state rules shall be modified
24 to extend the basis for diagnostic related group payments for
25 psychiatric hospital stays wherever they may be used to a length
26 consistent with the actual length of stays under fourteen-day civil
27 commitment orders during fiscal year 1991.

28 (16) ~~((By January 1, 1992,))~~ The secretary shall provide available
29 resources including federal funds to regional support networks to
30 operate freestanding evaluation and treatment facilities or for

1 regional support networks to contract with local hospitals to assure
2 access for regional support network patients. Any savings achieved
3 through reduction in the use of state or local hospital bed days, or
4 free standing evaluation and treatment facility bed days, shall be
5 retained by the regional support network, and may not be diverted to
6 other state programs or purposes.

7 (17) The secretary shall:

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

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

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

1 submitted to the legislature by January 1, 1993, in accordance with
2 subsection (14) of this section.

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

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

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

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

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

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

4 (18) The department of social and health services, in cooperation
5 with the state congressional delegation, shall actively seek waivers of
6 federal requirements and such modifications of federal regulations as
7 are necessary to allow federal medicaid reimbursement for services
8 provided by free-standing evaluation and treatment facilities certified
9 under chapter 71.05 RCW and to allow regional support networks to
10 retain savings that accrue from their ability to avoid the use of
11 medicaid or state general fund reimbursed local hospital or state
12 hospital bed days. The department shall ~~((periodically))~~ report its
13 efforts to the health and long-term care ~~((and corrections))~~ committee
14 of the senate and the human services committee of the house of
15 representatives by January 1993.

16 (19) ~~((The secretary shall establish a task force to examine the~~
17 ~~recruitment, training, and compensation of qualified mental health~~
18 ~~professionals in the community, which shall include the advantages and~~
19 ~~disadvantages of establishing a training academy, loan forgiveness~~
20 ~~program, or educational stipends offered in exchange for commitments of~~
21 ~~employment in mental health. The task force shall report back to the~~
22 ~~appropriate committees of the legislature by January 1, 1990))~~ The
23 department shall cooperate with other departments of state government
24 and its political subdivisions in the following manner:

25 (a) By disseminating educational information relating to the
26 prevention, diagnosis and treatment of mental illness.

27 (b) Upon request therefor, by advising public officers,
28 organizations and agencies interested in the mental health of the
29 people of the state.

1 (20) The department and the several state hospitals for the
2 mentally ill shall cooperate with local mental health programs by
3 providing necessary information, recommendations relating to proper
4 after care for patients paroled or discharged from such institutions
5 and shall also supply the services of psychiatrists, psychologists and
6 other persons specialized in mental illness as they are available.

7 **Sec. 4.** RCW 71.24.045 and 1991 c 363 s 147 and 1991 c 306 s 5 are
8 each reenacted and amended to read as follows:

9 The county authority shall:

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

17 ~~(a) Outpatient services;~~

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

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

25 ~~(d) Screening for patients being considered for admission to state~~
26 ~~mental health facilities to determine appropriateness of admission;~~

27 ~~(e) Employment services, which may include supported employment,~~
28 ~~transitional work, placement in competitive employment, and other~~

1 work-related services, that result in mentally ill persons becoming
2 engaged in meaningful and gainful full or part-time work;

3 (f) Consultation and education services;

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

6 (h) 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
18 county authority may, in the absence of a licensed service provider
19 entity, become a licensed service provider entity pursuant to minimum
20 standards required for licensing by the department for the purpose of
21 providing services not available from licensed service providers;

22 ((3)) (2) Operate as a licensed service provider if it deems that
23 doing so is more efficient and cost effective than contracting for
24 services. When doing so, the county authority shall comply with rules
25 promulgated by the secretary that shall provide measurements to
26 determine when a county provided service is more efficient and cost
27 effective;

28 ((4)) (3) Monitor and perform biennial fiscal audits of licensed
29 service providers who have contracted with the county to provide
30 services required by this chapter. The monitoring and audits shall be

1 performed by means of a formal process which insures that the licensed
2 service providers and professionals designated in this subsection meet
3 the terms of their contracts, including the minimum standards of
4 service delivery as established by the department;

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

8 ~~((+6))~~ (5) Maintain patient tracking information in a central
9 location as required for resource management services;

10 ~~((+7))~~ (6) Use not more than two percent of state-appropriated
11 community mental health funds, which shall not include federal funds,
12 to administer community mental health programs under RCW 71.24.155:
13 PROVIDED, That county authorities serving a county or combination of
14 counties whose population is one hundred twenty-five thousand or more
15 may be entitled to sufficient state-appropriated community mental
16 health funds to employ up to one full-time employee or the equivalent
17 thereof in addition to the two percent limit established in this
18 subsection when such employee is providing staff services to a county
19 mental health advisory board;

20 ~~((+8))~~ (7) Coordinate services for individuals who have received
21 services through the community mental health system and who become
22 patients at a state mental hospital.

23 **Sec. 5.** RCW 71.24.300 and 1991 c 295 s 3, 1991 c 262 s 2, and 1991
24 c 29 s 3 are each reenacted and amended to read as follows:

25 A county authority or a group of county authorities whose combined
26 population is no less than forty thousand may enter into a joint
27 operating agreement to form a regional support network. The roles and
28 responsibilities of county authorities shall be determined by the terms
29 of that agreement and the provisions of law. The state mental health

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

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

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

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

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

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

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

14 (e) Administer and provide for the availability of all other mental
15 health services, which shall include patient counseling, day treatment,
16 consultation, education services, employment services as defined in RCW
17 71.24.035, and mental health services to children as provided in this
18 chapter.

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

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

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

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

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

18 (6) Counties or groups of counties participating in a regional
19 support network are not subject to RCW 71.24.045(7). The office of
20 financial management shall consider information gathered in studies
21 required in this chapter and information about the experience of other
22 states to propose a mental health services administrative cost lid to
23 the ((1991)) 1993 legislature which shall include administrative costs
24 of licensed service providers, the state psychiatric hospitals and the
25 department.

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

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

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

18 ~~((9))~~ (8) Regional support networks may receive technical
19 assistance from the housing trust fund and may identify and submit
20 projects for housing and housing support services to the housing trust
21 fund established under chapter 43.185 RCW. Projects identified or
22 submitted under this subsection must be fully integrated with the
23 regional support network six-year operating and capital plan, timeline,
24 and budget required by subsection (1) of this section.

25 NEW SECTION. **Sec. 6.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 72.06.010 and 1970 ex.s. c 18 s 59 & 1959 c 28 s 72.06.010;

28 (2) RCW 72.06.050 and 1977 ex.s. c 80 s 46 & 1959 c 28 s 72.06.050;

1 (3) RCW 72.06.060 and 1979 c 141 s 185, 1977 ex.s. c 80 s 47, &
2 1959 c 28 s 72.06.060; and

3 (4) RCW 72.06.070 and 1959 c 28 s 72.06.070.

4 NEW SECTION. **Sec. 7.** Section 4 of this act shall take effect
5 July 1, 1995.