
HOUSE BILL 2013

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Leonard and J. Kohl

Read first time 02/22/93. Referred to Committee on Human Services.

1 AN ACT Relating to mental health systems; amending RCW 71.05.025,
2 71.05.170, 71.05.610, 71.24.015, 71.24.025, 71.24.045, 71.24.160,
3 71.24.300, and 71.24.310; and reenacting and amending RCW 71.05.020 and
4 71.24.035.

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

6 **Sec. 1.** RCW 71.05.020 and 1989 c 420 s 13, 1989 c 205 s 8, and
7 1989 c 120 s 2 are each reenacted and amended to read as follows:

8 For the purposes of this chapter:

9 (1) "Gravely disabled" means a condition in which a person, as a
10 result of a mental disorder: (a) Is in danger of serious physical harm
11 resulting from a failure to provide for his essential human needs of
12 health or safety, or (b) manifests severe deterioration in routine
13 functioning evidenced by repeated and escalating loss of cognitive or
14 volitional control over his or her actions and is not receiving such
15 care as is essential for his or her health or safety;

16 (2) "Mental disorder" means any organic, mental, or emotional
17 impairment which has substantial adverse effects on an individual's
18 cognitive or volitional functions;

1 (3) "Likelihood of serious harm" means either: (a) A substantial
2 risk that physical harm will be inflicted by an individual upon his or
3 her own person, as evidenced by threats or attempts to commit suicide
4 or inflict physical harm on one's self, (b) a substantial risk that
5 physical harm will be inflicted by an individual upon another, as
6 evidenced by behavior which has caused such harm or which places
7 another person or persons in reasonable fear of sustaining such harm,
8 or (c) a substantial risk that physical harm will be inflicted by an
9 individual upon the property of others, as evidenced by behavior which
10 has caused substantial loss or damage to the property of others;

11 (4) "Peace officer" means a law enforcement official of a public
12 agency or governmental unit, and includes persons specifically given
13 peace officer powers by any state law, local ordinance, or judicial
14 order of appointment;

15 (5) "Judicial commitment" means a commitment by a court pursuant to
16 the provisions of this chapter;

17 (6) "Public agency" means any evaluation and treatment facility or
18 institution, hospital, or sanitarium which is conducted for, or
19 includes a department or ward conducted for, the care and treatment of
20 persons who are mentally ill or deranged, if the agency is operated
21 directly by, federal, state, county, ~~((or))~~ municipal, or tribal
22 government, or a combination of such governments;

23 (7) "Private agency" means any person, partnership, corporation, or
24 association not defined as a public agency, whether or not financed in
25 whole or in part by public funds, which constitutes an evaluation and
26 treatment facility or private institution, hospital, or sanitarium,
27 which is conducted for, or includes a department or ward conducted for
28 the care and treatment of persons who are mentally ill;

29 (8) "Attending staff" means any person on the staff of a public or
30 private agency having responsibility for the care and treatment of a
31 patient;

32 (9) "Department" means the department of social and health services
33 of the state of Washington;

34 (10) "Resource management services" has the meaning given in
35 chapter 71.24 RCW;

36 (11) "Secretary" means the secretary of the department of social
37 and health services, or his designee;

38 (12) "Mental health professional" means a psychiatrist,
39 psychologist, psychiatric nurse, or social worker, and such other

1 mental health professionals as may be defined by rules and regulations
2 adopted by the secretary pursuant to the provisions of this chapter;

3 (13) "Professional person" shall mean a mental health professional,
4 as above defined, and shall also mean a physician, registered nurse,
5 and such others as may be defined by rules and regulations adopted by
6 the secretary pursuant to the provisions of this chapter;

7 (14) "Psychiatrist" means a person having a license as a physician
8 and surgeon in this state who has in addition completed three years of
9 graduate training in psychiatry in a program approved by the American
10 medical association or the American osteopathic association and is
11 certified or eligible to be certified by the American board of
12 psychiatry and neurology;

13 (15) "Psychologist" means a person who has been licensed as a
14 psychologist pursuant to chapter 18.83 RCW;

15 (16) "Social worker" means a person with a master's or further
16 advanced degree from an accredited school of social work or a degree
17 from a graduate school deemed equivalent under rules and regulations
18 adopted by the secretary;

19 (17) "Evaluation and treatment facility" means any facility which
20 can provide directly, or by direct arrangement with other public or
21 private agencies, emergency evaluation and treatment, outpatient care,
22 and short term inpatient care to persons suffering from a mental
23 disorder, and which is certified as such by the department of social
24 and health services: PROVIDED, That a physically separate and
25 separately operated portion of a state hospital may be designated as an
26 evaluation and treatment facility: PROVIDED FURTHER, That a facility
27 which is part of, or operated by, the department of social and health
28 services or any federal agency will not require certification: AND
29 PROVIDED FURTHER, That no correctional institution or facility, or
30 jail, shall be an evaluation and treatment facility within the meaning
31 of this chapter;

32 (18) "Antipsychotic medications," also referred to as
33 "neuroleptics," means that class of drugs primarily used to treat
34 serious manifestations of mental illness associated with thought
35 disorders and currently includes phenothiazines, thioxanthenes,
36 butyrophenone, dihydroindolone, and dibenzoxazipine.

37 (19) "Developmental disability" means that condition defined in RCW
38 71A.10.020(2);

1 (20) "Developmental disabilities professional" means a person who
2 has specialized training and three years of experience in directly
3 treating or working with persons with developmental disabilities and is
4 a psychiatrist or psychologist, or a social worker, and such other
5 developmental disabilities professionals as may be defined by rules
6 adopted by the secretary;

7 (21) "Habilitative services" means those services provided by
8 program personnel to assist persons in acquiring and maintaining life
9 skills and in raising their levels of physical, mental, social, and
10 vocational functioning. Habilitative services include education,
11 training for employment, and therapy. The habilitative process shall
12 be undertaken with recognition of the risk to the public safety
13 presented by the individual being assisted as manifested by prior
14 charged criminal conduct;

15 (22) "Psychologist" means a person who has been licensed as a
16 psychologist pursuant to chapter 18.83 RCW;

17 (23) "Social worker" means a person with a master's or further
18 advanced degree from an accredited school of social work or a degree
19 deemed equivalent under rules adopted by the secretary;

20 (24) "Individualized service plan" means a plan prepared by a
21 developmental disabilities professional with other professionals as a
22 team, for an individual with developmental disabilities, which shall
23 state:

24 (a) The nature of the person's specific problems, prior charged
25 criminal behavior, and habilitation needs;

26 (b) The conditions and strategies necessary to achieve the purposes
27 of habilitation;

28 (c) The intermediate and long-range goals of the habilitation
29 program, with a projected timetable for the attainment;

30 (d) The rationale for using this plan of habilitation to achieve
31 those intermediate and long-range goals;

32 (e) The staff responsible for carrying out the plan;

33 (f) Where relevant in light of past criminal behavior and due
34 consideration for public safety, the criteria for proposed movement to
35 less-restrictive settings, criteria for proposed eventual discharge
36 from involuntary confinement, and a projected possible date for
37 discharge from involuntary confinement; and

38 (g) The type of residence immediately anticipated for the person
39 and possible future types of residences.

1 **Sec. 2.** RCW 71.05.025 and 1989 c 205 s 9 are each amended to read
2 as follows:

3 The legislature intends that the procedures and services authorized
4 in this chapter be integrated with those in chapter 71.24 RCW to the
5 maximum extent necessary to assure a continuum of care to persons who
6 are mentally ill or who have mental disorders, as defined in either or
7 both this chapter and chapter 71.24 RCW. To this end, regional support
8 networks established in accordance with chapter 71.24 RCW shall
9 institute procedures which require timely consultation with resource
10 management services by ((county))community-designated mental health
11 professionals and evaluation and treatment facilities to assure that
12 determinations to detain, commit, treat, or release persons with mental
13 disorders under this chapter are made only after appropriate
14 information regarding such person's treatment history and current
15 treatment plan has been sought from resource management services.

16 **Sec. 3.** RCW 71.05.170 and 1989 c 205 s 10 are each amended to read
17 as follows:

18 Whenever the designated ((county)) community mental health
19 professional petitions for detention of a person whose actions
20 constitute a likelihood of serious harm to himself or others, or who is
21 gravely disabled, the facility providing seventy-two hour evaluation
22 and treatment must immediately accept on a provisional basis the
23 petition and the person. The facility shall then evaluate the person's
24 condition and admit or release such person in accordance with RCW
25 71.05.210. The facility shall notify in writing the court and the
26 designated ((county)) community mental health professional of the date
27 and time of the initial detention of each person involuntarily detained
28 in order that a probable cause hearing shall be held no later than
29 seventy-two hours after detention.

30 The duty of a state hospital to accept persons for evaluation and
31 treatment under this section shall be limited by chapter 71.24 RCW.

32 **Sec. 4.** RCW 71.05.610 and 1989 c 205 s 11 are each amended to read
33 as follows:

34 As used in this chapter or chapter 71.24 or 10.77 RCW, the
35 following words and phrases shall have the meanings indicated.

36 (1) "Registration records" include all the records of the
37 department, regional support networks, treatment facilities, and other

1 persons providing services to the department, (~~county~~) local
2 departments, or facilities which identify individuals who are receiving
3 or who at any time have received services for mental illness.

4 (2) "Treatment records" include registration and all other records
5 concerning individuals who are receiving or who at any time have
6 received services for mental illness, which are maintained by the
7 department, by regional support networks and their staffs, and by
8 treatment facilities. Treatment records do not include notes or
9 records maintained for personal use by an individual providing
10 treatment services for the department, regional support networks, or a
11 treatment facility if the notes or records are not available to others.

12 **Sec. 5.** RCW 71.24.015 and 1991 c 306 s 1 are each amended to read
13 as follows:

14 It is the intent of the legislature to establish (~~a~~) community
15 mental health programs which shall help people experiencing mental
16 illness to retain a respected and productive position in the community.
17 This will be accomplished through programs which provide for:

18 (1) Access to mental health services for adults of the state who
19 are acutely mentally ill, chronically mentally ill, or seriously
20 disturbed and children of the state who are acutely mentally ill,
21 severely emotionally disturbed, or seriously disturbed, which services
22 recognize the special needs of underserved populations, including
23 minorities, children, the elderly, disabled, and low-income persons.
24 It is also the purpose of this chapter to promote the early
25 identification of mentally ill children and to ensure that they receive
26 the mental health care and treatment which is appropriate to their
27 developmental level. This care should improve home, school, and
28 community functioning, maintain children in a safe and nurturing home
29 environment, and should enable treatment decisions to be made in
30 response to clinical needs in accordance with sound professional
31 judgment while also recognizing parents' rights to participate in
32 treatment decisions for their children;

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

35 (3) Minimum service delivery standards;

36 (4) Priorities for the use of available resources for the care of
37 the mentally ill;

1 (5) Coordination of services within the department, including those
2 divisions within the department that provide services to children,
3 between the department and the office of the superintendent of public
4 instruction, and among state mental hospitals, county authorities,
5 community mental health services, Washington state Indian mental health
6 programs, and other support services, which shall to the maximum extent
7 feasible also include the families of the mentally ill, and other
8 service providers; and

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

12 It is the policy of the state to encourage the provision of a full
13 range of treatment and rehabilitation services in the state for mental
14 disorders. The legislature intends to encourage the development of
15 ((~~county~~)) locally based and ((~~county~~)) locally managed mental health
16 services with adequate local flexibility to assure eligible people in
17 need of care access to the least-restrictive treatment alternative
18 appropriate to their needs, and the availability of treatment
19 components to assure continuity of care. To this end, counties are
20 encouraged to enter into joint operating agreements with other counties
21 and tribal authorities where present to form regional systems of care
22 which integrate planning, administration, and service delivery duties
23 assigned to counties under chapters 71.05 and 71.24 RCW to consolidate
24 administration, reduce administrative layering, and reduce
25 administrative costs.

26 It is further the intent of the legislature to integrate the
27 provision of services to provide continuity of care through all phases
28 of treatment. To this end the legislature intends to promote active
29 engagement with mentally ill persons and collaboration between families
30 and service providers.

31 **Sec. 6.** RCW 71.24.025 and 1991 c 306 s 2 are each amended to read
32 as follows:

33 Unless the context clearly requires otherwise, the definitions in
34 this section apply throughout this chapter.

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

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

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

3 (c) Presenting a likelihood of serious harm as defined in RCW
4 71.05.020(3) or, in the case of a child, as defined in RCW
5 71.34.020(11).

6 (2) "Available resources" means those funds which shall be
7 appropriated under this chapter by the legislature during any biennium
8 for the purpose of providing community mental health programs under RCW
9 71.24.045. When regional support networks are established or after
10 July 1, 1995, "available resources" means federal funds, except those
11 provided according to Title XIX of the social security act, and state
12 funds appropriated under this chapter or chapter 71.05 RCW by the
13 legislature during any biennium for the purpose of providing
14 residential services, resource management services, community support
15 services, and other mental health services. This does not include
16 funds appropriated for the purpose of operating and administering the
17 state psychiatric hospitals, except as negotiated according to RCW
18 71.24.300(1)(d).

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

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

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

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

28 (b) Has experienced a continuous psychiatric hospitalization or
29 residential treatment exceeding six months' duration within the
30 preceding year; or

31 (c) Has been unable to engage in any substantial gainful activity
32 by reason of any mental disorder which has lasted for a continuous
33 period of not less than twelve months. "Substantial gainful activity"
34 shall be defined by the department by rule consistent with Public Law
35 92-603, as amended.

36 (6) "Severely emotionally disturbed child" means an infant or child
37 who has been determined by the regional support network to be
38 experiencing a mental disorder as defined in chapter 71.34 RCW,
39 including those mental disorders that result in a behavioral or conduct

1 disorder, that is clearly interfering with the child's functioning in
2 family or school or with peers and who meets at least one of the
3 following criteria:

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

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

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

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

12 (i) Chronic family dysfunction involving a mentally ill or
13 inadequate caretaker;

14 (ii) Changes in custodial adult;

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

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

20 (v) Drug or alcohol abuse; or

21 (vi) Homelessness.

22 (7) "Community mental health program" means all mental health
23 services established by a ((county)) local authority. After July 1,
24 1995, or when the regional support networks are established, "community
25 mental health program" means all activities or programs using available
26 resources.

27 (8) "Community support services" means services for acutely
28 mentally ill persons, chronically mentally ill adults, and severely
29 emotionally disturbed children and includes: (a) Discharge planning
30 for clients leaving state mental hospitals, other acute care inpatient
31 facilities, inpatient psychiatric facilities for persons under twenty-
32 one years of age, and other children's mental health residential
33 treatment facilities; (b) sufficient contacts with clients, families,
34 schools, or significant others to provide for an effective program of
35 community maintenance; and (c) medication monitoring. After July 1,
36 1995, or when regional support networks are established, for adults and
37 children "community support services" means services authorized,
38 planned, and coordinated through resource management services
39 including, at least, assessment, diagnosis, emergency crisis

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

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

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

23 (11) "Locally based" for the purpose of RCW 71.24.015 includes only
24 county and tribal authorities.

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

30 ~~((+12+))~~ (13) "Mentally ill persons" and "the mentally ill" mean
31 persons and conditions defined in subsections (1), (5), (6), and
32 ~~((+16+))~~ (17) of this section.

33 ~~((+13+))~~ (14) "Regional support network" means a ~~((county))~~ local
34 authority ~~((or))~~, a group of county authorities, or a tribal authority
35 recognized by the secretary that enter into joint operating agreements
36 to contract with the secretary pursuant to this chapter.

37 ~~((+14+))~~ (15) "Residential services" means a facility or distinct
38 part thereof which provides food and shelter, and may include treatment
39 services.

1 When regional support networks are established, or after July 1,
2 1995, for adults and children "residential services" means a complete
3 range of residences and supports authorized by resource management
4 services and which may involve a facility, a distinct part thereof, or
5 services which support community living, for acutely mentally ill
6 persons, chronically mentally ill adults, severely emotionally
7 disturbed children, or seriously disturbed adults determined by the
8 regional support network to be at risk of becoming acutely or
9 chronically mentally ill. The services shall include at least
10 evaluation and treatment services as defined in chapter 71.05 RCW,
11 acute crisis respite care, long-term adaptive and rehabilitative care,
12 and supervised and supported living services, and shall also include
13 any residential services developed to service mentally ill persons in
14 nursing homes. Residential services for children in out-of-home
15 placements related to their mental disorder shall not include the costs
16 of food and shelter, except for children's long-term residential
17 facilities existing prior to January 1, 1991.

18 (~~(15)~~) (16) "Resource management services" mean the planning,
19 coordination, and authorization of residential services and community
20 support services administered pursuant to an individual service plan
21 for acutely mentally ill adults and children, chronically mentally ill
22 adults, severely emotionally disturbed children, or seriously disturbed
23 adults determined by the regional support network at their sole
24 discretion to be at risk of becoming acutely or chronically mentally
25 ill. Such planning, coordination, and authorization shall include
26 mental health screening for children eligible under the federal Title
27 XIX early and periodic screening, diagnosis, and treatment program.
28 Resource management services include seven day a week, twenty-four hour
29 a day availability of information regarding mentally ill adults' and
30 children's enrollment in services and their individual service plan to
31 county-designated mental health professionals, evaluation and treatment
32 facilities, and others as determined by the regional support network.

33 (~~(16)~~) (17) "Seriously disturbed person" means a person who:

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

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

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

3 (d) Exhibits suicidal preoccupation or attempts; or

4 (e) Is a child diagnosed by a mental health professional, as
5 defined in RCW 71.05.020, as experiencing a mental disorder which is
6 clearly interfering with the child's functioning in family or school or
7 with peers or is clearly interfering with the child's personality
8 development and learning.

9 ~~((17))~~ (18) "Secretary" means the secretary of social and health
10 services.

11 ~~((18))~~ (19) "State minimum standards" means: (a) Minimum
12 requirements for delivery of mental health services as established by
13 departmental rules and necessary to implement this chapter, including
14 but not limited to licensing service providers and services; (b)
15 minimum service requirements for licensed service providers for the
16 provision of mental health services as established by departmental
17 rules pursuant to chapter 34.05 RCW as necessary to implement this
18 chapter, including, but not limited to: Qualifications for staff
19 providing services directly to mentally ill persons; the intended
20 result of each service; and the rights and responsibilities of persons
21 receiving mental health services pursuant to this chapter; (c) minimum
22 requirements for residential services as established by the department
23 in rule based on clients' functional abilities and not solely on their
24 diagnoses, limited to health and safety, staff qualifications, and
25 program outcomes. Minimum requirements for residential services are
26 those developed in collaboration with consumers, families, counties,
27 Indian tribes, regulators, and residential providers serving the
28 mentally ill. Minimum requirements encourage the development of broad-
29 range residential programs, including integrated housing and cross-
30 systems programs where appropriate, and do not unnecessarily restrict
31 programming flexibility; ~~((and))~~ (d) minimum standards for community
32 support services and resource management services, including at least
33 qualifications for resource management services, client tracking
34 systems, and the transfer of patient information between service
35 providers; and (e) minimum standards include those provisions
36 negotiated and agreed to in an intertribal agreement between Indian
37 tribes and the state under chapter 39.34 RCW.

1 (20) "Tribal authority", for the purposes of this section and RCW
2 71.24.300 only, includes: The federally recognized Indian tribes and
3 the major Indian organizations recognized by the secretary.

4 **Sec. 7.** RCW 71.24.035 and 1991 c 306 s 3, 1991 c 262 s 1, and 1991
5 c 29 s 1 are each reenacted and amended to read as follows:

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

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

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

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

18 (5) The secretary shall:

19 (a) Develop a biennial state mental health program that
20 incorporates ((county)) local biennial needs assessments and ((county))
21 local mental health service plans and state services for mentally ill
22 adults and children. The secretary may also develop a six-year state
23 mental health plan;

24 (b) Assure that any ((county)) local community mental health
25 program provides access to treatment for the ((county's)) community's
26 residents in the following order of priority: (i) The acutely mentally
27 ill; (ii) chronically mentally ill adults and severely emotionally
28 disturbed children; and (iii) the seriously disturbed. Such programs
29 shall provide:

30 (A) Outpatient services;

31 (B) Emergency care services for twenty-four hours per day;

32 (C) Day treatment for mentally ill persons which includes training
33 in basic living and social skills, supported work, vocational
34 rehabilitation, and day activities. Such services may include
35 therapeutic treatment. In the case of a child, day treatment includes
36 age-appropriate basic living and social skills, educational and
37 prevocational services, day activities, and therapeutic treatment;

1 (D) Screening for patients being considered for admission to state
2 mental health facilities to determine the appropriateness of admission;
3 (E) Employment services, which may include supported employment,
4 transitional work, placement in competitive employment, and other work-
5 related services, that result in mentally ill persons becoming engaged
6 in meaningful and gainful full or part-time work. Other sources of
7 funding such as the division of vocational rehabilitation may be
8 utilized by the secretary to maximize federal funding and provide for
9 integration of services;
10 (F) Consultation and education services; and
11 (G) Community support services;
12 (c) Develop and promulgate rules establishing state minimum
13 standards for the delivery of mental health services including, but not
14 limited to:
15 (i) Licensed service providers;
16 (ii) Regional support networks; and
17 (iii) Residential and inpatient services, evaluation and treatment
18 services and facilities under chapter 71.05 RCW, resource management
19 services, and community support services;
20 (d) Assure that the special needs of minorities, the elderly,
21 disabled, children, and low-income persons are met within the
22 priorities established in this section;
23 (e) Establish a standard contract or contracts, consistent with
24 state minimum standards, which shall be used by the counties;
25 (f) Establish, to the extent possible, a standardized auditing
26 procedure which minimizes paperwork requirements of county authorities
27 and licensed service providers;
28 (g) Develop and maintain an information system to be used by the
29 state, counties, tribes, and regional support networks when they are
30 established which shall include a tracking method which allows the
31 department and regional support networks to identify mental health
32 clients' participation in any mental health service or public program
33 on an immediate basis. The information system shall not include
34 individual patient's case history files. Confidentiality of client
35 information and records shall be maintained as provided in this chapter
36 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and
37 71.05.440. The system shall be fully operational no later than January
38 1, 1993: PROVIDED, HOWEVER, That when a regional support network is
39 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, tribal
12 regional support networks, and licensed service providers as needed to
13 assure compliance with contractual agreements authorized by this
14 chapter;

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

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

28 (6) The secretary shall use available resources appropriated
29 specifically for community mental health programs only for programs
30 under RCW 71.24.045, or tribal support network agreements. After July
31 1, 1995, or when regional support networks are established, available
32 resources may be used only for regional support networks.

33 (7) Each certified regional support network and licensed service
34 provider shall file with the secretary, on request, such data,
35 statistics, schedules, and information as the secretary reasonably
36 requires. A certified regional support network or licensed service
37 provider which, without good cause, fails to furnish any data,
38 statistics, schedules, or information as requested, or files fraudulent

1 reports thereof, may have its certification or license revoked or
2 suspended.

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

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

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

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

26 (12) Notwithstanding the existence or pursuit of any other remedy,
27 the secretary may, in the manner provided by law, upon the advice of
28 the attorney general who shall represent the secretary in the
29 proceedings, maintain an action in the name of the state for an
30 injunction or other process against any person or governmental unit to
31 restrain or prevent the establishment, conduct, or operation of a
32 regional support network or service provider without certification or
33 a license under this chapter.

34 (13) The standards for certification of evaluation and treatment
35 facilities shall include standards relating to maintenance of good
36 physical and mental health and other services to be afforded persons
37 pursuant to this chapter and chapter 71.05 RCW, and shall otherwise
38 assure the effectuation of the purposes and intent of this chapter and
39 chapter 71.05 RCW.

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

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

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

31 By December 1, 1989, the secretary shall recognize regional support
32 networks requested by counties ((~~or~~)), groups of counties, or tribes.

33 All counties and tribes wishing to be recognized as a regional
34 support network on December 1, 1989, shall submit their intentions
35 regarding participation in the regional support networks by October 30,
36 1989, along with preliminary plans. ((~~Counties~~)) Communities wishing
37 to be recognized as a regional support network by January 1 of any year
38 thereafter shall submit their intentions by October 30 of the previous
39 year along with preliminary plans. The secretary shall assume all

1 duties assigned to the nonparticipating ((counties)) communities under
2 chapters 71.05 and 71.24 RCW on July 1, 1995. Such responsibilities
3 shall include those which would have been assigned to the
4 nonparticipating ((counties)) communities under regional support
5 networks.

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

12 (16) By January 1, 1992, the secretary shall provide available
13 resources to regional support networks to operate freestanding
14 evaluation and treatment facilities or for regional support networks to
15 contract with local hospitals to assure access for regional support
16 network patients.

17 (17) The secretary shall:

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

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

29 (c) By July 1, 1993, allocate one hundred percent of available
30 resources to regional support networks created by January 1, 1990, in
31 a single grant. Regional support networks created by January 1, 1991,
32 shall receive a single block grant by July 1, 1993; regional support
33 networks created by January 1, 1992, shall receive a single block grant
34 by July 1, 1994; and regional support networks created by January 1,
35 1993, shall receive a single block grant by July 1, 1995. The grants
36 shall include funds currently provided for all residential services,
37 all services pursuant to chapter 71.05 RCW, and all community support
38 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) 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) Deny funding allocations to regional support networks based
23 solely upon formal findings of noncompliance with the terms of the
24 regional support network's contract with the department. Written
25 notice and at least thirty days for corrective action must precede any
26 such action. In such cases, regional support networks shall have full
27 rights to appeal under chapter 34.05 RCW.

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

31 (i) Contract to provide or, if requested, make grants to
32 ~~((counties))~~ communities to provide technical assistance to ~~((county))~~
33 local authorities or groups of ~~((county))~~ local authorities to develop
34 regional support networks.

35 (18) The department of social and health services, in cooperation
36 with the state congressional delegation, shall actively seek waivers of
37 federal requirements and such modifications of federal regulations as
38 are necessary to allow federal medicaid reimbursement for services
39 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 (19) 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. 8.** RCW 71.24.045 and 1992 c 230 s 5 are each amended to read
12 as follows:

13 The ((county)) local authority shall:

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

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

26 (3) Monitor and perform biennial fiscal audits of licensed service
27 providers who have contracted with the county to provide services
28 required by this chapter. The monitoring and audits shall be performed
29 by means of a formal process which insures that the licensed service
30 providers and professionals designated in this subsection meet the
31 terms of their contracts, including the minimum standards of service
32 delivery as established by the department;

33 (4) Assure that the special needs of minorities, the elderly,
34 disabled, children, and low-income persons are met within the
35 priorities established in this chapter;

36 (5) Maintain patient tracking information in a central location as
37 required for resource management services;

1 (6) Use not more than two percent of state-appropriated community
2 mental health funds, which shall not include federal funds, to
3 administer community mental health programs under RCW 71.24.155(~~+~~
4 ~~PROVIDED, That county~~)). However, local authorities serving a county
5 or combination of counties whose population is one hundred twenty-five
6 thousand or more may be entitled to sufficient state-appropriated
7 community mental health funds to employ up to one full-time employee or
8 the equivalent thereof in addition to the two percent limit established
9 in this subsection when such employee is providing staff services to a
10 ((~~county~~)) local mental health advisory board;

11 (7) Coordinate services for individuals who have received services
12 through the community mental health system and who become patients at
13 a state mental hospital.

14 **Sec. 9.** RCW 71.24.160 and 1989 c 205 s 7 are each amended to read
15 as follows:

16 The ((~~county~~)) local authority shall make satisfactory showing to
17 the secretary that state funds shall in no case be used to replace
18 local funds from any source being used to finance mental health
19 services prior to January 1, 1990.

20 **Sec. 10.** RCW 71.24.300 and 1992 c 230 s 6 are each amended to read
21 as follows:

22 A county authority or a group of county authorities whose combined
23 population is no less than forty thousand may enter into a joint
24 operating agreement to form a regional support network. A regional
25 support network agreement shall include a tribal authority within the
26 boundaries of the regional support network upon the request of that
27 tribal authority. The roles and responsibilities of county and tribal
28 authorities shall be determined by the terms of that agreement and the
29 provisions of law and shall assure the provision of culturally
30 competent services to the tribes participating in the regional support
31 networks. The state mental health authority may not determine the
32 roles and responsibilities of ((~~county~~)) local authorities as to each
33 other under regional support networks by rule, except to assure that
34 all duties required of regional support networks are assigned and that
35 a single authority has final responsibility for all available resources
36 and performance under the regional support network's contract with the
37 secretary.

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

7 (a) Administer and provide for the availability of all resource
8 management services, residential services, and community support
9 services.

10 (b) Administer and provide for the availability of all
11 investigation, transportation, court-related, and other services
12 provided by the state or (~~counties pursuant to~~) communities under
13 chapter 71.05 RCW.

14 (c) By July 1, 1993, provide within the boundaries of each regional
15 support network evaluation and treatment services for at least
16 eighty-five percent of persons detained or committed for periods up to
17 seventeen days according to chapter 71.05 RCW. Regional support
18 networks with populations of less than one hundred fifty thousand may
19 contract to purchase evaluation and treatment services from other
20 networks. Insofar as the original intent of serving persons in the
21 community is maintained, the secretary is authorized to approve
22 exceptions on a case-by-case basis to the requirement to provide
23 evaluation and treatment services within the boundaries of each
24 regional support network. Such exceptions are limited to contracts
25 with neighboring or contiguous regions. For regional support networks
26 that are created after June 30, 1991, the requirements of (c) of this
27 subsection must be met by 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~~) communities within the boundaries of any regional
31 support network, with the exception of mentally ill offenders, and
32 provide for the care of all persons needing evaluation and treatment
33 services for periods up to seventeen days according to chapter 71.05
34 RCW in appropriate residential services, which may include state
35 institutions. The regional support networks shall reimburse the state
36 for use of state institutions at a rate equal to that assumed by the
37 legislature when appropriating funds for such care at state
38 institutions during the biennium when reimbursement occurs. The duty of
39 a state hospital to accept persons for evaluation and treatment under

1 chapter 71.05 RCW is limited by the responsibilities assigned to
2 regional support networks under this section. For regional support
3 networks that are created after June 30, 1991, the requirements of (d)
4 of this subsection must be met by July 1, 1995.

5 (e) Administer and provide for the availability of all other mental
6 health services, which shall include patient counseling, day treatment,
7 consultation, education services, employment services as defined in RCW
8 71.24.035, and mental health services to children as provided in this
9 chapter.

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

13 (2) Regional support networks shall assume all duties assigned to
14 (~~county~~) local authorities by this chapter and chapter 71.05 RCW.

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

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

28 (5) Regional support networks shall assume all duties specified in
29 their plans and joint operating agreements through biennial contractual
30 agreements with the secretary. Such contracts may include agreements
31 to provide periods of stable community living and work or other day
32 activities for specific chronically mentally ill persons who have
33 completed commitments at state hospitals on ninety-day or one hundred
34 eighty-day civil commitments or who have been residents at state
35 hospitals for no less than one hundred eighty days within the previous
36 year. Periods of stable community living may involve acute care in
37 local evaluation and treatment facilities but may not involve use of
38 state hospitals.

1 (6) (~~Counties~~) Communities or groups of (~~counties~~) communities
2 participating in a regional support network are not subject to RCW
3 71.24.045(~~(+7)~~) (6). The office of financial management shall
4 consider information gathered in studies required in this chapter and
5 information about the experience of other states to propose a mental
6 health services administrative cost lid to the 1993 legislature which
7 shall include administrative costs of licensed service providers, the
8 state psychiatric hospitals and the department.

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

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

31 **Sec. 11.** RCW 71.24.310 and 1989 c 205 s 6 are each amended to read
32 as follows:

33 The legislature finds that administration of chapter 71.05 RCW and
34 this chapter can be most efficiently and effectively implemented as
35 part of the regional support network defined in RCW 71.24.025. For
36 this reason, the legislature intends that any enhanced program funding
37 for implementation of chapter 71.05 RCW or this chapter, except for
38 funds allocated for implementation of mandatory state-wide programs as

1 required by federal statute, be made available primarily to those
2 ((counties)) communities participating in regional support networks.

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