

2 **ESSB 5583** - H COMM AMD **ADOPTED 4/6/01**
3 By Committee on Appropriations

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 71.24.015 and 1999 c 214 s 7 are each amended to read
8 as follows:

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

13 (1) Access to mental health services for adults of the state who
14 are acutely mentally ill, chronically mentally ill, or seriously
15 disturbed and children of the state who are acutely mentally ill,
16 severely emotionally disturbed, or seriously disturbed, which services
17 recognize the special needs of underserved populations, including
18 minorities, children, the elderly, disabled, and low-income persons.
19 Access to mental health services shall not be limited by a person's
20 history of confinement in a state, federal, or local correctional
21 facility. It is also the purpose of this chapter to promote the early
22 identification of mentally ill children and to ensure that they receive
23 the mental health care and treatment which is appropriate to their
24 developmental level. This care should improve home, school, and
25 community functioning, maintain children in a safe and nurturing home
26 environment, and should enable treatment decisions to be made in
27 response to clinical needs in accordance with sound professional
28 judgment while also recognizing parents' rights to participate in
29 treatment decisions for their children;

30 (2) Accountability of efficient and effective services through
31 state of the art outcome and performance measures and statewide
32 standards for monitoring client and system outcomes, performance, and
33 reporting of information. These processes shall be designed so as to
34 maximize the use of available resources for direct care of people with
35 a mental illness;

36 (3) Minimum service delivery standards;

1 (4) Priorities for the use of available resources for the care of
2 the mentally ill consistent with the priorities defined in the statute;

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

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

13 It is the policy of the state to encourage the provision of a full
14 range of treatment and rehabilitation services in the state for mental
15 disorders. The legislature intends to encourage the development of
16 county-based and county-managed mental health services with adequate
17 local flexibility to assure eligible people in need of care access to
18 the least-restrictive treatment alternative appropriate to their needs,
19 and the availability of treatment components to assure continuity of
20 care. To this end, counties are encouraged to enter into joint
21 operating agreements with other counties to form regional systems of
22 care which integrate planning, administration, and service delivery
23 duties assigned to counties under chapters 71.05 and 71.24 RCW to
24 consolidate 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 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.24 RCW
32 to read as follows:

33 The department shall operate the community mental health service
34 delivery system authorized under this chapter within the following
35 constraints:

36 (1) The full amount of federal funds for mental health services,
37 plus qualifying state expenditures as appropriated in the biennial
38 operating budget, shall be appropriated to the department each year in

1 the biennial appropriations act to carry out the provisions of the
2 community mental health service delivery system authorized in this
3 chapter.

4 (2) The department may expend funds defined in subsection (1) of
5 this section in any manner that will effectively accomplish the outcome
6 measures defined in section 4 of this act. No more than twenty percent
7 of the amount provided in subsection (1) of this section may be spent
8 cumulatively for administrative purposes by the department, regional
9 support networks, and providers. For the purpose of this subsection,
10 "administrative purposes" does not include expenditures for information
11 technology and computerization needed for tracking and monitoring
12 required under RCW 71.24.035.

13 (3) The department shall implement strategies that accomplish the
14 outcome measures identified in section 4 of this act that are within
15 the funding constraints in this section. The department may transfer
16 appropriation authority between funding categories within the health
17 and rehabilitation services administration, the children and family
18 services administration, the aging and adult services administration,
19 and the medical assistance administration in order to carry out the
20 requirements of this subsection.

21 (4) The department shall monitor expenditures against the
22 appropriation levels provided for in subsection (1) of this section.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.24 RCW
24 to read as follows:

25 It is the intent of the legislature that the community mental
26 health service delivery system focus on maintaining mentally ill
27 individuals in the community. The program shall be evaluated and
28 managed through a limited number of performance measures designed to
29 hold each regional support network accountable for program success.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 71.24 RCW
31 to read as follows:

32 (1) The department, in collaboration with a work group made up of
33 consumers, service providers, and representatives of regional support
34 networks shall develop performance measures for use in evaluating and
35 managing the community mental health service delivery system authorized
36 under this chapter. The performance measures shall be reviewed, and
37 updated as needed, by January 15th of each odd-numbered year. The

1 performance measures shall be consistent with the provisions of RCW
2 71.24.405(3) which may include but are not limited to:

3 (a) Access to services;

4 (b) Quality and appropriateness of care;

5 (c) Outcome measures; including, but not limited to:

6 (i) Consumer change over time;

7 (ii) Consumer perception of hope for the future;

8 (iii) Percent of consumers who have safe and stable housing;

9 (iv) Percent of adults employed for one or more days in the last
10 thirty days;

11 (v) Percent of consumers without a jail or detention stay;

12 (vi) Percent of available school days attended in the past thirty
13 days;

14 (vii) Percent of consumers without a psychiatric hospitalization;
15 and

16 (d) Structure and plan management.

17 (2) The department shall require that service providers and
18 regional support networks collect uniform performance measure
19 information and report it to the department regularly. The department
20 shall develop benchmarks that compare performance measure information
21 from all regional support networks and providers to provide a clear
22 indication of the most effective regional support networks and
23 providers. Benchmark information shall be published quarterly and
24 provided to the legislature, the governor, regional support networks,
25 and all providers of mental health services.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24 RCW
27 to read as follows:

28 Every regional support network and mental health services provider
29 shall be evaluated using the criteria in section 4 of this act.

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 71.24 RCW
31 to read as follows:

32 The department shall provide a report to the appropriate committees
33 of the legislature on the development, implementation, and achievement
34 of the performance measures by regional support networks and service
35 providers on an annual basis, no later than June 30th of each year,
36 beginning in 2002. The report shall include how the department is

1 using the outcome measure information obtained under section 4 of this
2 act to manage the community mental health service delivery system.

3 **Sec. 7.** RCW 71.24.025 and 1999 c 10 s 2 are each amended to read
4 as follows:

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

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

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

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

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

16 (2) "Available resources" means funds appropriated for the purpose
17 of providing community mental health programs under RCW 71.24.045,
18 federal funds, except those provided according to Title XIX of the
19 Social Security Act, and state funds appropriated under this chapter or
20 chapter 71.05 RCW by the legislature during any biennium for the
21 purpose of providing residential services, resource management
22 services, community support services, and other mental health services.
23 This does not include funds appropriated for the purpose of operating
24 and administering the state psychiatric hospitals, except as negotiated
25 according to RCW 71.24.300(1)(~~(d)~~) (e).

26 (3) "Child" means a person under the age of eighteen years.

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

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

31 (b) Has experienced a continuous psychiatric hospitalization or
32 residential treatment exceeding six months' duration within the
33 preceding year; or

34 (c) Has been unable to engage in any substantial gainful activity
35 by reason of any mental disorder which has lasted for a continuous
36 period of not less than twelve months. "Substantial gainful activity"
37 shall be defined by the department by rule consistent with Public Law
38 92-603, as amended.

1 (5) "Community mental health program" means all mental health
2 services, activities, or programs using available resources.

3 (6) "Community mental health service delivery system" means public
4 or private agencies that provide services specifically to persons with
5 mental disorders as defined under RCW 71.05.020 and receive funding
6 from public sources.

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

25 (8) "County authority" means the board of county commissioners,
26 county council, or county executive having authority to establish a
27 community mental health program, or two or more of the county
28 authorities specified in this subsection which have entered into an
29 agreement to provide a community mental health program.

30 (9) "Department" means the department of social and health
31 services.

32 (10) "Licensed service provider" means an entity licensed according
33 to this chapter or chapter 71.05 RCW or an entity deemed to meet state
34 minimum standards as a result of accreditation by a recognized
35 behavioral health accrediting body that meets state minimum standards
36 or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79
37 RCW, as it applies to registered nurses and advanced registered nurse
38 practitioners.

1 (11) "Mental health services" means all services provided by
2 regional support networks and other services provided by the state for
3 the mentally ill.

4 (12) "Mentally ill persons" and "the mentally ill" mean persons and
5 conditions defined in subsections (1), (4), (17), and (18) of this
6 section.

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

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

26 (15) "Resource management services" mean the planning,
27 coordination, and authorization of residential services and community
28 support services administered pursuant to an individual service plan
29 for: (a) Acutely mentally ill adults and children; (b) chronically
30 mentally ill adults; (c) severely emotionally disturbed children; or
31 (d) seriously disturbed adults determined solely by a regional support
32 network to be at risk of becoming acutely or chronically mentally ill.
33 Such planning, coordination, and authorization shall include mental
34 health screening for children eligible under the federal Title XIX
35 early and periodic screening, diagnosis, and treatment program.
36 Resource management services include seven day a week, twenty-four hour
37 a day availability of information regarding mentally ill adults' and
38 children's enrollment in services and their individual service plan to

1 county-designated mental health professionals, evaluation and treatment
2 facilities, and others as determined by the regional support network.

3 (16) "Secretary" means the secretary of social and health services.

4 (17) "Seriously disturbed person" means a person who:

5 (a) Is gravely disabled or presents a likelihood of serious harm to
6 himself or herself or others, or to the property of others, as a result
7 of a mental disorder as defined in chapter 71.05 RCW;

8 (b) Has been on conditional release status, or under a less
9 restrictive alternative order, at some time during the preceding two
10 years from an evaluation and treatment facility or a state mental
11 health hospital;

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

14 (d) Exhibits suicidal preoccupation or attempts; or

15 (e) Is a child diagnosed by a mental health professional, as
16 defined in chapter 71.34 RCW, as experiencing a mental disorder which
17 is clearly interfering with the child's functioning in family or school
18 or with peers or is clearly interfering with the child's personality
19 development and learning.

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

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

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

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

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

34 (i) Chronic family dysfunction involving a mentally ill or
35 inadequate caretaker;

36 (ii) Changes in custodial adult;

37 (iii) Going to, residing in, or returning from any placement
38 outside of the home, for example, psychiatric hospital, short-term

1 inpatient, residential treatment, group or foster home, or a
2 correctional facility;

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

4 (v) Drug or alcohol abuse; or

5 (vi) Homelessness.

6 (19) "State minimum standards" means minimum requirements
7 established by rules adopted by the secretary and necessary to
8 implement this chapter for: (a) Delivery of mental health services;
9 (b) licensed service providers for the provision of mental health
10 services; (c) residential services; and (d) community support services
11 and resource management services.

12 (20) "Tribal authority," for the purposes of this section and RCW
13 71.24.300 only, means: The federally recognized Indian tribes and the
14 major Indian organizations recognized by the secretary insofar as these
15 organizations do not have a financial relationship with any regional
16 support network that would present a conflict of interest.

17 **Sec. 8.** RCW 71.24.030 and 1999 c 10 s 3 are each amended to read
18 as follows:

19 The secretary is authorized to make grants to and/or purchase
20 services from counties or combinations of counties in the establishment
21 and operation of community mental health programs.

22 **Sec. 9.** RCW 71.24.035 and 1999 c 10 s 4 are each amended to read
23 as follows:

24 (1) The department is designated as the state mental health
25 authority.

26 (2) The secretary ((may)) shall provide for public, client, and
27 licensed service provider participation in developing the state mental
28 health program, developing contracts with regional support networks,
29 and any waiver request to the federal government under medicaid.

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

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

37 (5) The secretary shall:

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

5 (b) Assure that any regional or county community mental health
6 program provides access to treatment for the county's residents in the
7 following order of priority: (i) The acutely mentally ill; (ii)
8 chronically mentally ill adults and severely emotionally disturbed
9 children; and (iii) the seriously disturbed. Such programs shall
10 provide:

11 (A) Outpatient services;

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

13 (C) Day treatment for mentally ill persons which includes training
14 in basic living and social skills, supported work, vocational
15 rehabilitation, and day activities. Such services may include
16 therapeutic treatment. In the case of a child, day treatment includes
17 age-appropriate basic living and social skills, educational and
18 prevocational services, day activities, and therapeutic treatment;

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

21 (E) Employment services, which may include supported employment,
22 transitional work, placement in competitive employment, and other work-
23 related services, that result in mentally ill persons becoming engaged
24 in meaningful and gainful full or part-time work. Other sources of
25 funding such as the division of vocational rehabilitation may be
26 utilized by the secretary to maximize federal funding and provide for
27 integration of services;

28 (F) Consultation and education services; and

29 (G) Community support services;

30 (c) Develop and adopt rules establishing state minimum standards
31 for the delivery of mental health services pursuant to RCW 71.24.037
32 including, but not limited to:

33 (i) Licensed service providers. The secretary shall provide for
34 deeming of compliance with state minimum standards for those entities
35 accredited by recognized behavioral health accrediting bodies;

36 (ii) Regional support networks; and

37 (iii) (~~Residential and~~) Inpatient services, evaluation and
38 treatment services and facilities under chapter 71.05 RCW, resource
39 management services, and community support services;

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

4 (e) Establish a standard contract or contracts, consistent with
5 state minimum standards, which shall be used ~~((by the))~~ in contracting
6 with regional support networks or counties. The standard contract
7 shall include a maximum fund balance, which shall not exceed ten
8 percent;

9 (f) Establish, to the extent possible, a standardized auditing
10 procedure which minimizes paperwork requirements of county authorities
11 and licensed service providers. The audit procedure shall focus on the
12 outcomes of service and not the processes for accomplishing them;

13 (g) Develop and maintain an information system to be used by the
14 state, counties, and regional support networks that includes a tracking
15 method which allows the department and regional support networks to
16 identify mental health clients' participation in any mental health
17 service or public program on an immediate basis. The information
18 system shall not include individual patient's case history files.
19 Confidentiality of client information and records shall be maintained
20 as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410,
21 71.05.420, 71.05.430, and 71.05.440. The design of the system and the
22 data elements to be collected shall be reviewed each biennium by a
23 committee appointed by the secretary and representing the department,
24 regional support networks, service providers, consumers, and advocates.
25 The data elements shall be designed to provide information that is
26 needed to measure performance and achieve the service outcomes
27 identified in section 4 of this act;

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

29 (i) Certify regional support networks that meet state minimum
30 standards;

31 (j) Periodically ~~((inspect))~~ monitor the compliance of certified
32 regional support networks and their network of licensed service
33 providers for compliance with the contract between the department and
34 the regional support network at reasonable times and in a reasonable
35 manner;

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

1 (1) Monitor and audit counties, regional support networks, and
2 licensed service providers as needed to assure compliance with
3 contractual agreements authorized by this chapter; and

4 (m) Adopt such rules as are necessary to implement the department's
5 responsibilities under this chapter. The secretary may not adopt rules
6 that divert resources from the direct care of people with a mental
7 illness unless they are directly required for the health and safety of
8 consumers, the implementation of this chapter, or other state or
9 federal requirements.

10 (6) The secretary shall use available resources only for regional
11 support networks.

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

20 (8) The secretary may suspend, revoke, limit, or restrict a
21 certification or license, or refuse to grant a certification or license
22 for failure to conform to: (a) The law; (b) applicable rules and
23 regulations; (c) applicable standards; or (d) state minimum standards.

24 (9) The superior court may restrain any regional support network or
25 service provider from operating without certification or a license or
26 any other violation of this section. The court may also review,
27 pursuant to procedures contained in chapter 34.05 RCW, any denial,
28 suspension, limitation, restriction, or revocation of certification or
29 license, and grant other relief required to enforce the provisions of
30 this chapter.

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

37 (11) Notwithstanding the existence or pursuit of any other remedy,
38 the secretary may file an action for an injunction or other process
39 against any person or governmental unit to restrain or prevent the

1 establishment, conduct, or operation of a regional support network or
2 service provider without certification or a license under this chapter.

3 (12) The standards for certification of evaluation and treatment
4 facilities shall include standards relating to maintenance of good
5 physical and mental health and other services to be afforded persons
6 pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall
7 otherwise assure the effectuation of the purposes of these chapters.

8 (13)(a) The department, in consultation with affected parties,
9 shall establish a distribution formula that reflects county needs
10 assessments based on the number of persons who are acutely mentally
11 ill, chronically mentally ill, severely emotionally disturbed children,
12 and seriously disturbed. The formula shall take into consideration the
13 impact on counties of demographic factors in counties which result in
14 concentrations of priority populations as set forth in subsection
15 (5)(b) of this section. These factors shall include the population
16 concentrations resulting from commitments under chapters 71.05 and
17 71.34 RCW to state psychiatric hospitals, as well as concentration in
18 urban areas, at border crossings at state boundaries, and other
19 significant demographic and workload factors.

20 (b) 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 (14) The secretary shall assume all duties assigned to the
25 nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW.
26 Such responsibilities shall include those which would have been
27 assigned to the nonparticipating counties under regional support
28 networks.

29 The regional support networks, or the secretary's assumption of all
30 responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be
31 included in all state and federal plans affecting the state mental
32 health program including at least those required by this chapter, the
33 medicaid program, and P.L. 99-660. Nothing in these plans shall be
34 inconsistent with the intent and requirements of this chapter.

35 (15) The secretary shall:

36 (a) Disburse funds for the regional support networks within sixty
37 days of approval of the biennial contract. The department must either
38 approve or reject the biennial contract within sixty days of receipt.

1 (b) Enter into biennial contracts with regional support networks.
2 The contracts shall be consistent with available resources. No
3 contract shall be approved that does not include progress toward
4 meeting the goals of this chapter by taking responsibility for: (i)
5 Short-term commitments; (ii) residential care; and (iii) emergency
6 response systems.

7 (c) Allocate one hundred percent of available resources to the
8 regional support networks in accordance with subsection (13) of this
9 section.

10 (d) Notify regional support networks of their allocation of
11 available resources at least sixty days prior to the start of a new
12 biennial contract period.

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

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

22 (16) The department, in cooperation with the state congressional
23 delegation, shall actively seek waivers of federal requirements and
24 such modifications of federal regulations as are necessary to allow
25 federal medicaid reimbursement for services provided by free-standing
26 evaluation and treatment facilities certified under chapter 71.05 RCW.
27 It is the intent of the legislature that the department take great care
28 to avoid, in the processing of a waiver request, creating requirements
29 that divert available resources from direct care. The department shall
30 periodically report its efforts to the ~~((health care and corrections))~~
31 appropriate committees of the senate and the ~~((human services committee~~
32 ~~of the))~~ house of representatives.

33 ~~((17) The secretary shall establish a task force to examine the
34 recruitment, training, and compensation of qualified mental health
35 professionals in the community, which shall include the advantages and
36 disadvantages of establishing a training academy, loan forgiveness
37 program, or educational stipends offered in exchange for commitments of
38 employment in mental health.))~~

1 **Sec. 10.** RCW 71.24.037 and 1999 c 10 s 5 are each amended to read
2 as follows:

3 (1) The secretary shall by rule establish state minimum standards
4 for licensed service providers and services.

5 (2) Minimum standards for licensed service providers shall, at a
6 minimum, establish: 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. The secretary shall provide for
10 deeming of licensed service providers as meeting state minimum
11 standards as a result of accreditation by a recognized behavioral
12 health accrediting body.

13 (3) ~~((Minimum standards for residential services shall be based on~~
14 ~~clients' functional abilities and not solely on their diagnoses,~~
15 ~~limited to health and safety, staff qualifications, and program~~
16 ~~outcomes. Minimum standards for residential services shall be~~
17 ~~developed in collaboration with consumers, families, counties,~~
18 ~~regulators, and residential providers serving the mentally ill. The~~
19 ~~minimum standards shall encourage the development of broad range~~
20 ~~residential programs, including integrated housing and cross systems~~
21 ~~programs where appropriate, and shall not unnecessarily restrict~~
22 ~~programming flexibility.~~

23 ~~(4))~~ Minimum standards for community support services and resource
24 management services shall include at least qualifications for resource
25 management services, client tracking systems, and the transfer of
26 patient information between service providers.

27 **Sec. 11.** RCW 71.24.045 and 1992 c 230 s 5 are each amended to read
28 as follows:

29 The county authority shall:

30 (1) Contract as needed with licensed service providers. The county
31 authority may, in the absence of a licensed service provider entity,
32 become a licensed service provider entity pursuant to minimum standards
33 required for licensing by the department for the purpose of providing
34 services not available from licensed service providers;

35 (2) Operate as a licensed service provider if it deems that doing
36 so is more efficient and cost effective than contracting for services.
37 When doing so, the county authority shall comply with rules promulgated

1 by the secretary that shall provide measurements to determine when a
2 county provided service is more efficient and cost effective;

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

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

13 (5) Maintain patient tracking information in a central location as
14 required for resource management services and the department's
15 information system;

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

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

29 **Sec. 12.** RCW 71.24.049 and 1999 c 10 s 6 are each amended to read
30 as follows:

31 By January 1st of each odd-numbered year, the ~~((county authority))~~
32 regional support network shall identify: (1) The number of children in
33 each priority group, as defined by this chapter, who are receiving
34 mental health services funded in part or in whole under this chapter,
35 (2) the amount of funds under this chapter used for children's mental
36 health services, (3) an estimate of the number of unserved children in
37 each priority group, and (4) the estimated cost of serving these
38 additional children and their families.

1 **Sec. 13.** RCW 71.24.155 and 1987 c 505 s 65 are each amended to
2 read as follows:

3 Grants shall be made by the department to (~~counties~~) regional
4 support networks for community mental health programs totaling not less
5 than ninety-five percent of available resources. The department may
6 use up to forty percent of the remaining five percent to provide
7 community demonstration projects, including early intervention or
8 primary prevention programs for children, and the remainder shall be
9 for emergency needs and technical assistance under this chapter.

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

12 The (~~county authority~~) regional support networks shall make
13 satisfactory showing to the secretary that state funds shall in no case
14 be used to replace local funds from any source being used to finance
15 mental health services prior to January 1, 1990.

16 **Sec. 15.** RCW 71.24.250 and 1982 c 204 s 14 are each amended to
17 read as follows:

18 The (~~county authority~~) regional support network may accept and
19 expend gifts and grants received from private, county, state, and
20 federal sources.

21 **Sec. 16.** RCW 71.24.300 and 1999 c 214 s 8 and 1999 c 10 s 9 are
22 each reenacted and amended to read as follows:

23 A county authority or a group of county authorities whose combined
24 population is no less than forty thousand may enter into a joint
25 operating agreement to form a regional support network. Upon the
26 request of a tribal authority or authorities within a regional support
27 network the joint operating agreement or the county authority shall
28 allow for the inclusion of the tribal authority to be represented as a
29 party to the regional support network. The roles and responsibilities
30 of the county and tribal authorities shall be determined by the terms
31 of that agreement including a determination of membership on the
32 governing board and advisory committees, the number of tribal
33 representatives to be party to the agreement, and the provisions of law
34 and shall assure the provision of culturally competent services to the
35 tribes served. The state mental health authority may not determine the
36 roles and responsibilities of county authorities as to each other under

1 regional support networks by rule, except to assure that all duties
2 required of regional support networks are assigned and that counties
3 and the regional support network do not duplicate functions and that a
4 single authority has final responsibility for all available resources
5 and performance under the regional support network's contract with the
6 secretary.

7 (1) Regional support networks shall submit an overall six-year
8 operating and capital plan, timeline, and budget and submit progress
9 reports and an updated two-year plan biennially thereafter, to assume
10 within available resources all of the following duties:

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

14 (b) Assume the powers and duties of county authorities within its
15 area as described in RCW 71.24.045 (1) through (7).

16 (c) 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 ~~((e))~~ (d) Provide within the boundaries of each regional support
20 network evaluation and treatment services for at least eighty-five
21 percent of persons detained or committed for periods up to seventeen
22 days according to chapter 71.05 RCW. Regional support networks with
23 populations of less than one hundred fifty thousand may contract to
24 purchase evaluation and treatment services from other networks.
25 Insofar as the original intent of serving persons in the community is
26 maintained, the secretary is authorized to approve exceptions on a
27 case-by-case basis to the requirement to provide evaluation and
28 treatment services within the boundaries of each regional support
29 network. Such exceptions are limited to contracts with neighboring or
30 contiguous regions.

31 ~~((d))~~ (e) Administer a portion of funds appropriated by the
32 legislature to house mentally ill persons in state institutions from
33 counties within the boundaries of any regional support network, with
34 the exception of persons currently confined at, or under the
35 supervision of, a state mental hospital pursuant to chapter 10.77 RCW,
36 and provide for the care of all persons needing evaluation and
37 treatment services for periods up to seventeen days according to
38 chapter 71.05 RCW in appropriate residential services, which may
39 include state institutions. The regional support networks shall

1 reimburse the state for use of state institutions at a rate equal to
2 that assumed by the legislature when appropriating funds for such care
3 at state institutions during the biennium when reimbursement occurs.
4 The secretary shall submit a report to the appropriate committees of
5 the senate and house of representatives on the efforts to implement
6 this section by October 1, 2002. The duty of a state hospital to
7 accept persons for evaluation and treatment under chapter 71.05 RCW is
8 limited by the responsibilities assigned to regional support networks
9 under this section.

10 ~~((e))~~ (f) Administer and provide for the availability of all
11 other mental health services, which shall include patient counseling,
12 day treatment, consultation, education services, employment services as
13 defined in RCW 71.24.035, and mental health services to children as
14 provided in this chapter designed to achieve the outcomes specified in
15 section 4 of this act.

16 ~~((f))~~ (g) Establish standards and procedures for reviewing
17 individual service plans and determining when that person may be
18 discharged from resource management services.

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

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

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

34 (5) Regional support networks shall assume all duties specified in
35 their plans and joint operating agreements through biennial contractual
36 agreements with the secretary. ~~((Such contracts may include agreements~~
37 ~~to provide periods of stable community living and work or other day~~
38 ~~activities for specific chronically mentally ill persons who have~~
39 ~~completed commitments at state hospitals on ninety day or one hundred~~

1 ~~eighty-day civil commitments or who have been residents at state~~
2 ~~hospitals for no less than one hundred eighty days within the previous~~
3 ~~year. Periods of stable community living may involve acute care in~~
4 ~~local evaluation and treatment facilities but may not involve use of~~
5 ~~state hospitals.))~~

6 (6) Counties or groups of counties participating in a regional
7 support network are not subject to RCW 71.24.045(6).

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

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

30 **Sec. 17.** RCW 71.24.310 and 1989 c 205 s 6 are each amended to read
31 as follows:

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

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

3 **Sec. 18.** RCW 71.24.400 and 1999 c 10 s 10 are each amended to read
4 as follows:

5 The legislature finds that the current complex set of federal,
6 state, and local rules and regulations, audited and administered at
7 multiple levels, which affect the community mental health service
8 delivery system, focus primarily on the process of providing mental
9 health services and do not sufficiently address consumer and system
10 outcomes. The legislature finds that the department and the community
11 mental health service delivery system must make ongoing efforts to
12 achieve the purposes set forth in RCW 71.24.015 related to reduced
13 administrative layering, duplication, elimination of process measures,
14 and reduced administrative costs.

15 **Sec. 19.** RCW 71.24.405 and 1999 c 10 s 11 are each amended to read
16 as follows:

17 The department shall establish a (~~(single)~~) comprehensive and
18 collaborative (~~(project)~~) effort within regional support networks and
19 with local mental health service providers aimed at creating innovative
20 and streamlined community mental health service delivery systems, in
21 order to carry out the purposes set forth in RCW 71.24.400 and to
22 capture the diversity of the community mental health service delivery
23 system.

24 The (~~(project)~~) department must accomplish the following:

25 (1) Identification, review, and cataloging of all rules,
26 regulations, duplicative administrative and monitoring functions, and
27 other requirements that currently lead to inefficiencies in the
28 community mental health service delivery system and, if possible,
29 eliminate the requirements;

30 (2) The systematic and incremental development of a single system
31 of accountability for all federal, state, and local funds provided to
32 the community mental health service delivery system. Systematic
33 efforts should be made to include federal and local funds into the
34 single system of accountability;

35 (3) The elimination of process regulations and related contract and
36 reporting requirements. In place of the regulations and requirements,
37 a set of outcomes for mental health adult and children clients

1 according to chapter 71.24 RCW must be used to measure the performance
2 of mental health service providers and regional support networks. Such
3 outcomes shall focus on stabilizing out-of-home and hospital care,
4 increasing stable community living, increasing age-appropriate
5 activities, achieving family and consumer satisfaction with services,
6 and system efficiencies;

7 (4) Evaluation of the feasibility of contractual agreements between
8 the department of social and health services and regional support
9 networks and mental health service providers that link financial
10 incentives to the success or failure of mental health service providers
11 and regional support networks to meet outcomes established for mental
12 health service clients;

13 (5) The involvement of mental health consumers and their
14 representatives (~~((in the pilot projects))~~). Mental health consumers and
15 their representatives will be involved in the development of outcome
16 standards for mental health clients (~~((and other related aspects of the
17 pilot projects))~~) under section 4 of this act; and

18 (6) An independent evaluation component to measure the success of
19 the (~~((projects))~~) department in fully implementing the provisions of RCW
20 71.24.400 and this section."

21 Correct the title.

EFFECT: Strikes Senate language and includes language from SHB
1650 as passed by the House on March 11, 2001.

--- END ---