

2SHB 1290 - H AMD 232

By Representative Cody

ADOPTED 03/11/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 71.24.015 and 2001 c 334 s 6 and 2001 c 323 s 1 are
4 each reenacted and amended to read as follows:

5 It is the intent of the legislature to establish a community mental
6 health program which shall help people experiencing mental illness to
7 retain a respected and productive position in the community. This will
8 be accomplished through (~~programs~~) resilience and recovery-based
9 programs, including recognized evidence-based practices, which provide
10 for:

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

29 (2) The involvement of persons with mental illness, their family
30 members, and advocates in designing and implementing mental health

1 services that reduce unnecessary hospitalization and incarceration and
2 promote the recovery and employment of persons with mental illness. To
3 improve the quality of services available and promote the
4 rehabilitation, recovery, and reintegration of persons with mental
5 illness, consumer and advocate participation in mental health services
6 is an integral part of the community mental health system and shall be
7 supported;

8 (3) Accountability of efficient and effective services through
9 state of the art outcome and performance measures and statewide
10 standards for monitoring client and system outcomes, performance, and
11 reporting of client and system outcome information. These processes
12 shall be designed so as to maximize the use of available resources for
13 direct care of people with a mental illness and to assure uniform data
14 collection across the state;

15 ((+3)) (4) Minimum service delivery standards;

16 ((+4)) (5) Priorities for the use of available resources for the
17 care of the mentally ill consistent with the priorities defined in the
18 statute;

19 ((+5)) (6) Coordination of services within the department,
20 including those divisions within the department that provide services
21 to children, between the department and the office of the
22 superintendent of public instruction, and among state mental hospitals,
23 ((~~county authorities~~)) regional support networks, community mental
24 health services, and other support services, which shall to the maximum
25 extent feasible also include the families of the mentally ill, and
26 other service providers; and

27 ((+6)) (7) Coordination of services aimed at reducing duplication
28 in service delivery and promoting complementary services among all
29 entities that provide mental health services to adults and children.

30 It is the policy of the state to encourage the provision of a full
31 range of treatment and rehabilitation services in the state for mental
32 disorders including services operated by consumers and advocates. The
33 legislature intends to encourage the development of ((~~county based and~~
34 ~~county managed~~)) regional mental health services with adequate local
35 flexibility to assure eligible people in need of care access to the
36 least-restrictive treatment alternative appropriate to their needs, and
37 the availability of treatment components to assure continuity of care.
38 To this end, ((~~counties are encouraged to enter into joint operating~~

1 ~~agreements with other counties to form~~) regional systems of care
2 ((~~which~~)) will integrate planning, administration, and service delivery
3 duties ((~~assigned to counties~~)) under chapters 71.05 and 71.24 RCW to
4 consolidate administration, reduce administrative layering, and reduce
5 administrative costs. The legislature hereby finds and declares that
6 sound fiscal management requires vigilance to ensure that funds
7 appropriated by the legislature for the provision of needed community
8 mental health programs and services are ultimately expended solely for
9 the purpose for which they were appropriated, and not for any other
10 purpose.

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

16 **Sec. 2.** RCW 71.24.025 and 2001 c 323 s 8 are each amended to read
17 as follows:

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

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

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

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

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

29 (2) "Available resources" means funds appropriated for the purpose
30 of providing community mental health programs ((~~under RCW 71.24.045~~)),
31 federal funds, except those provided according to Title XIX of the
32 Social Security Act, and state funds appropriated under this chapter or
33 chapter 71.05 RCW by the legislature during any biennium for the
34 purpose of providing residential services, resource management
35 services, community support services, and other mental health services.
36 This does not include funds appropriated for the purpose of operating

1 and administering the state psychiatric hospitals, except as negotiated
2 according to RCW 71.24.300(1)((~~e~~)) (d).

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

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

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

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

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

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

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

22 (7) "Community support services" means services authorized,
23 planned, and coordinated through resource management services
24 including, at a minimum, assessment, diagnosis, emergency crisis
25 intervention available twenty-four hours, seven days a week,
26 prescreening determinations for mentally ill persons being considered
27 for placement in nursing homes as required by federal law, screening
28 for patients being considered for admission to residential services,
29 diagnosis and treatment for acutely mentally ill and severely
30 emotionally disturbed children discovered under screening through the
31 federal Title XIX early and periodic screening, diagnosis, and
32 treatment program, investigation, legal, and other nonresidential
33 services under chapter 71.05 RCW, case management services, psychiatric
34 treatment including medication supervision, counseling, psychotherapy,
35 assuring transfer of relevant patient information between service
36 providers, recovery services, and other services determined by regional
37 support networks.

1 (8) "County authority" means the board of county commissioners,
2 county council, or county executive having authority to establish a
3 community mental health program, or two or more of the county
4 authorities specified in this subsection which have entered into an
5 agreement to provide a community mental health program.

6 (9) "Department" means the department of social and health
7 services.

8 (10) "Evidence-based practices" means services for people with
9 severe mental illness that have demonstrated positive outcomes in
10 multiple research studies.

11 (11) "Licensed service provider" means an entity licensed according
12 to this chapter or chapter 71.05 RCW or an entity deemed to meet state
13 minimum standards as a result of accreditation by a recognized
14 behavioral health accrediting body recognized and having a current
15 agreement with the department, that meets state minimum standards or
16 individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW,
17 as it applies to registered nurses and advanced registered nurse
18 practitioners.

19 ((+11)) (12) "Mental health services" means all services provided
20 by regional support networks and other services provided by the state
21 for the mentally ill.

22 ((+12)) (13) "Mentally ill persons" and "the mentally ill" mean
23 persons and conditions defined in subsections (1), (4), ((+17)) (20),
24 and ((+18)) (21) of this section.

25 ((+13)) (14) "Regional support network" means a county authority
26 or group of county authorities or other entity recognized by the
27 secretary ~~((that enter into joint operating agreements to contract with~~
28 ~~the secretary pursuant to this chapter))~~ through a department
29 procurement process.

30 ((+14)) (15) "Residential services" means a complete range of
31 residences and supports authorized by resource management services and
32 which may involve a facility, a distinct part thereof, or services
33 which support community living, for acutely mentally ill persons,
34 chronically mentally ill adults, severely emotionally disturbed
35 children, or seriously disturbed adults determined by the regional
36 support network to be at risk of becoming acutely or chronically
37 mentally ill. The services shall include at least evaluation and
38 treatment services as defined in chapter 71.05 RCW, acute crisis

1 respite care, long-term adaptive and rehabilitative care, and
2 supervised and supported living services, and shall also include any
3 residential services developed to service mentally ill persons in
4 nursing homes, boarding homes, and adult family homes. Residential
5 services for children in out-of-home placements related to their mental
6 disorder shall not include the costs of food and shelter, except for
7 children's long-term residential facilities existing prior to January
8 1, 1991.

9 ~~((+15+))~~ (16) "Recovery" means the process in which people are able
10 to live, work, learn, and participate fully in their communities.

11 (17) "Resilience" means the personal and community qualities that
12 enable individuals to rebound from adversity, trauma, tragedy, threats,
13 or other stresses, and to live productive lives.

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

29 ~~((+16+))~~ (19) "Secretary" means the secretary of social and health
30 services.

31 ~~((+17+))~~ (20) "Seriously disturbed person" means a person who:

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

35 (b) Has been on conditional release status, or under a less
36 restrictive alternative order, at some time during the preceding two
37 years from an evaluation and treatment facility or a state mental
38 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 chapter 71.34 RCW, as experiencing a mental disorder which
6 is clearly interfering with the child's functioning in family or school
7 or with peers or is clearly interfering with the child's personality
8 development and learning.

9 ~~((18))~~ (21) "Severely emotionally disturbed child" means a child
10 who has been determined by the regional support network to be
11 experiencing a mental disorder as defined in chapter 71.34 RCW,
12 including those mental disorders that result in a behavioral or conduct
13 disorder, that is clearly interfering with the child's functioning in
14 family or school or with peers and who meets at least one of the
15 following criteria:

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

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

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

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

24 (i) Chronic family dysfunction involving a mentally ill or
25 inadequate caretaker;

26 (ii) Changes in custodial adult;

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

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

32 (v) Drug or alcohol abuse; or

33 (vi) Homelessness.

34 ~~((19))~~ (22) "State minimum standards" means minimum requirements
35 established by rules adopted by the secretary and necessary to
36 implement this chapter for: (a) Delivery of mental health services;
37 (b) licensed service providers for the provision of mental health

1 services; (c) residential services; and (d) community support services
2 and resource management services.

3 ~~((+20))~~ (23) "Tribal authority," for the purposes of this section
4 and RCW 71.24.300 only, means: The federally recognized Indian tribes
5 and the major Indian organizations recognized by the secretary insofar
6 as these organizations do not have a financial relationship with any
7 regional support network that would present a conflict of interest.

8 **Sec. 3.** RCW 71.24.030 and 2001 c 323 s 9 are each amended to read
9 as follows:

10 The secretary is authorized to make grants ~~((to))~~ and/or purchase
11 services ~~((from counties or combinations of counties in the
12 establishment and operation of))~~ to establish and operate community
13 mental health programs.

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

16 The department of social and health services shall establish no
17 fewer than eight regional support networks under this chapter. No
18 entity shall be responsible for more than three regional support
19 networks under the procurement process established under RCW 71.24.035.

20 **Sec. 5.** RCW 71.24.035 and 2001 c 334 s 7 and 2001 c 323 s 10 are
21 each reenacted and amended to read as follows:

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

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

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

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

1 (5) The secretary shall:

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

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

13 (A) Outpatient services;

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

15 (C) ~~((Day treatment for mentally ill persons which includes
16 training in basic living and social skills, supported work, vocational
17 rehabilitation, and day activities. Such services may include
18 therapeutic treatment. In the case of a child, day treatment includes
19 age-appropriate basic living and social skills, educational and
20 prevocational services, day activities, and therapeutic treatment))~~
21 Intensive rehabilitative day support services that provide a range of
22 integrated and varied life skills training which may include health,
23 hygiene, nutritional issues, money management, maintaining living
24 arrangements, and symptom management, to promote improved functioning
25 or a restoration to a previous higher level of functioning. In the
26 case of a child, day supports include age-appropriate basic living and
27 social skills, educational and prevocational services, day activities,
28 and therapeutic treatment including school-based programming;

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

31 (E) Employment services, which may include supported employment,
32 transitional work, placement in competitive employment, and other work-
33 related services, that result in mentally ill persons becoming engaged
34 in meaningful and gainful full or part-time work~~((Other sources of
35 funding such as the division of vocational rehabilitation may be
36 utilized by the secretary to maximize federal funding and provide for
37 integration of services))~~);

38 (F) Consultation and education services; and

1 (G) Community support services;

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

5 (i) Licensed service providers. These rules shall permit a county-
6 operated mental health program to be licensed as a service provider
7 subject to compliance with applicable statutes and rules. The
8 secretary shall provide for deeming of compliance with state minimum
9 standards for those entities accredited by recognized behavioral health
10 accrediting bodies recognized and having a current agreement with the
11 department;

12 (ii) Regional support networks; and

13 (iii) Inpatient services, evaluation and treatment services and
14 facilities under chapter 71.05 RCW, resource management services, and
15 community support services;

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

19 (e) Establish a standard contract or contracts, using a standard
20 procurement process consistent with state minimum standards, which
21 shall be used in contracting with regional support networks (~~or~~
22 ~~counties~~). The standard contract shall include a maximum fund
23 balance, which shall (~~not exceed ten percent~~) be consistent with that
24 required by federal regulations or waiver stipulations.

25 (i) The standardized procurement process shall encourage the
26 preservation of infrastructure previously purchased by the community
27 mental service delivery system, the maintenance of linkages between
28 other services and delivery systems, and maximization of the use of
29 available funds for services versus profits. County, provider, and
30 consumer/advocate-based organizations should be given the opportunity
31 to compete. The procurement shall provide that public funds shall not
32 be used to promote or deter, encourage, or discourage employees from
33 exercising their rights under section 7 of the federal labor relations
34 act.

35 (ii) The secretary shall seek input from stakeholders in the
36 development of the procurement;

37 (f) Ensure a regional support network shall not exceed an
38 administrative cost of ten percent of available funds;

1 (g) Ensure that contracts between an entity serving as a regional
2 support network and a subcontractor are subject to approval by the
3 department;

4 (h) Establish, to the extent possible, a standardized auditing
5 procedure which minimizes paperwork requirements of ((county
6 authorities)) regional support networks and licensed service providers.
7 The audit procedure shall focus on the outcomes of service and not the
8 processes for accomplishing them;

9 ~~((g))~~ (i) Develop and maintain an information system to be used
10 by the state((~~counties~~)) and regional support networks that includes
11 a tracking method which allows the department and regional support
12 networks to identify mental health clients' participation in any mental
13 health service or public program on an immediate basis. The
14 information system shall not include individual patient's case history
15 files. Confidentiality of client information and records shall be
16 maintained as provided in this chapter and in RCW 71.05.390, 71.05.400,
17 71.05.410, 71.05.420, 71.05.430, and 71.05.440((~~The design of the~~
18 system and the data elements to be collected shall be reviewed by the
19 work group appointed by the secretary under section 5(1) of this act
20 and representing the department, regional support networks, service
21 providers, consumers, and advocates. The data elements shall be
22 designed to provide information that is needed to measure performance
23 and achieve the service outcomes identified in section 5 of this act));

24 ~~((h))~~ (j) License service providers who meet state minimum
25 standards;

26 ~~((i))~~ (k) Certify regional support networks that meet state
27 minimum standards;

28 ~~((j))~~ (l) Periodically monitor the compliance of certified
29 regional support networks and their network of licensed service
30 providers for compliance with the contract between the department, the
31 regional support network, and federal and state rules at reasonable
32 times and in a reasonable manner;

33 ~~((k))~~ (m) Fix fees to be paid by evaluation and treatment centers
34 to the secretary for the required inspections;

35 ~~((l))~~ (n) Monitor and audit ((~~counties~~)) regional support
36 networks((~~counties~~)) and licensed service providers as needed to assure
37 compliance with contractual agreements authorized by this chapter;

38 ((and

1 ~~(m)~~) (o) Adopt such rules as are necessary to implement the
2 department's responsibilities under this chapter; and

3 (p) Assure the availability of an appropriate, as determined by the
4 legislature in the operating budget by amounts appropriated for this
5 specific purpose, amount of community-based, geographically distributed
6 residential services.

7 (6) The secretary shall use available resources only for ~~((regional~~
8 ~~support networks))~~ the community mental health service delivery system,
9 consistent with the priorities for both client populations and the
10 services to be provided as defined in this chapter.

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

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

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

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

36 (11) Notwithstanding the existence or pursuit of any other remedy,
37 the secretary may file an action for an injunction or other process

1 against any person or governmental unit to restrain or prevent the
2 establishment, conduct, or operation of a regional support network or
3 service provider without certification or a license under this chapter.

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

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

22 (b) The formula shall also include a projection of the funding
23 allocations that will result for each ~~((county))~~ region, which
24 specifies allocations according to priority populations, including the
25 allocation for services to children and other underserved populations.

26 (c) After July 1, 2003, the department may allocate up to two
27 percent of total funds to be distributed to the regional support
28 networks for incentive payments to reward the achievement of superior
29 outcomes, or significantly improved outcomes, as measured by a
30 statewide performance measurement system consistent with the framework
31 recommended in the joint legislative audit and review committee's
32 performance audit of the mental health system. The department shall
33 annually report to the legislature on its criteria and allocation of
34 the incentives provided under this subsection.

35 (14) The secretary shall assume all duties assigned to ~~((the~~
36 ~~nonparticipating-counties))~~ regional support networks under chapters
37 71.05, 71.34, and 71.24 RCW~~((Such responsibilities shall include~~

1 ~~those which would have been assigned to the nonparticipating counties~~
2 ~~under)) in regions where there are not participating regional support~~
3 ~~networks.~~

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

10 (15) The secretary shall:

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

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

20 ~~(c) ((Allocate one hundred percent of available resources to the~~
21 ~~regional support networks in accordance with subsection (13) of this~~
22 ~~section. Incentive payments authorized under subsection (13) of this~~
23 ~~section may be allocated separately from other available resources.~~

24 ~~(d))~~ Notify regional support networks of their allocation of
25 available resources at least sixty days prior to the start of a new
26 biennial contract period.

27 ~~((e))~~ (d) Deny funding allocations to regional support networks
28 based solely upon formal findings of noncompliance with the terms of
29 the regional support network's contract with the department. Written
30 notice and at least thirty days for corrective action must precede any
31 such action. In such cases, regional support networks shall have full
32 rights to appeal under chapter 34.05 RCW.

33 (16) The department, in cooperation with the state congressional
34 delegation, shall actively seek waivers of federal requirements and
35 such modifications of federal regulations as are necessary to allow
36 federal medicaid reimbursement for services provided by free-standing
37 evaluation and treatment facilities certified under chapter 71.05 RCW.

1 The department shall periodically report its efforts to the appropriate
2 committees of the senate and the house of representatives.

3 **Sec. 6.** RCW 71.24.045 and 2001 c 323 s 12 are each amended to read
4 as follows:

5 The ~~((county authority))~~ regional support network shall:

6 (1) Contract as needed with licensed service providers. The
7 ~~((county authority))~~ regional support network may, in the absence of a
8 licensed service provider entity, become a licensed service provider
9 entity pursuant to minimum standards required for licensing by the
10 department for the purpose of providing services not available from
11 licensed service providers;

12 (2) Operate as a licensed service provider if it deems that doing
13 so is more efficient and cost effective than contracting for services.
14 When doing so, the ~~((county authority))~~ regional support network shall
15 comply with rules promulgated by the secretary that shall provide
16 measurements to determine when a ~~((county))~~ regional support network
17 provided service is more efficient and cost effective;

18 (3) Monitor and perform biennial fiscal audits of licensed service
19 providers who have contracted with the ~~((county))~~ regional support
20 network to provide services required by this chapter. The monitoring
21 and audits shall be performed by means of a formal process which
22 insures that the licensed service providers and professionals
23 designated in this subsection meet the terms of their contracts;

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

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

30 ~~((Use not more than two percent of state appropriated community
31 mental health funds, which shall not include federal funds, to
32 administer community mental health programs under RCW 71.24.155:
33 PROVIDED, That county authorities serving a county or combination of
34 counties whose population is one hundred twenty five thousand or more
35 may be entitled to sufficient state appropriated community mental
36 health funds to employ up to one full time employee or the equivalent~~

1 ~~thereof in addition to the two percent limit established in this~~
2 ~~subsection when such employee is providing staff services to a county~~
3 ~~mental health advisory board;~~

4 ~~(7))~~ Coordinate services for individuals who have received
5 services through the community mental health system and who become
6 patients at a state mental hospital.

7 **Sec. 7.** RCW 71.24.100 and 1982 c 204 s 7 are each amended to read
8 as follows:

9 A county authority or a group of county authorities may enter into
10 a joint operating agreement to form a regional support network. Any
11 agreement between two or more county authorities for the establishment
12 of a ~~((community mental health program))~~ regional support network shall
13 provide:

14 (1) That each county shall bear a share of the cost of mental
15 health services; and

16 (2) That the treasurer of one participating county shall be the
17 custodian of funds made available for the purposes of such mental
18 health services, and that the treasurer may make payments from such
19 funds upon audit by the appropriate auditing officer of the county for
20 which he is treasurer.

21 **Sec. 8.** RCW 71.24.240 and 1982 c 204 s 13 are each amended to read
22 as follows:

23 In order to establish eligibility for funding under this chapter,
24 any ~~((county or counties))~~ regional support network seeking to obtain
25 federal funds for the support of any aspect of a community mental
26 health program as defined in this chapter shall submit program plans to
27 the secretary for prior review and approval before such plans are
28 submitted to any federal agency.

29 **Sec. 9.** RCW 71.24.300 and 2001 c 323 s 17 are each amended to read
30 as follows:

31 ~~((A county authority or a group of county authorities whose~~
32 ~~combined population is no less than forty thousand may enter into a~~
33 ~~joint operating agreement to form a regional support network.))~~ Upon
34 the request of a tribal authority or authorities within a regional
35 support network the joint operating agreement or the county authority

1 shall allow for the inclusion of the tribal authority to be represented
2 as a party to the regional support network. The roles and
3 responsibilities of the county and tribal authorities shall be
4 determined by the terms of that agreement including a determination of
5 membership on the governing board and advisory committees, the number
6 of tribal representatives to be party to the agreement, and the
7 provisions of law and shall assure the provision of culturally
8 competent services to the tribes served. The state mental health
9 authority may not determine the roles and responsibilities of county
10 authorities as to each other under regional support networks by rule,
11 except to assure that all duties required of regional support networks
12 are assigned and that counties and the regional support network do not
13 duplicate functions and that a single authority has final
14 responsibility for all available resources and performance under the
15 regional support network's contract with the secretary. If a regional
16 support network is a private entity, the department shall allow for the
17 inclusion of the tribal authority to be represented as a party to the
18 regional support network. The roles and responsibilities of the
19 private entity and the tribal authorities shall be determined by the
20 department, through negotiation with the tribal authority.

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

25 (a) Administer and provide for the availability of all resource
26 management services, residential services, and community support
27 services.

28 ~~((Assume the powers and duties of county authorities within its~~
29 ~~area as described in RCW 71.24.045 (1) through (7)).~~

30 ~~(e))~~ Administer and provide for the availability of all
31 investigation, transportation, court-related, and other services
32 provided by the state or counties pursuant to chapter 71.05 RCW.

33 ~~((d))~~ (c) Provide within the boundaries of each regional support
34 network evaluation and treatment services for at least eighty-five
35 percent of persons detained or committed for periods up to seventeen
36 days according to chapter 71.05 RCW. Regional support networks with
37 populations of less than one hundred fifty thousand may contract to
38 purchase evaluation and treatment services from other networks.

1 Insofar as the original intent of serving persons in the community is
2 maintained, the secretary is authorized to approve exceptions on a
3 case-by-case basis to the requirement to provide evaluation and
4 treatment services within the boundaries of each regional support
5 network. Such exceptions are limited to contracts with neighboring or
6 contiguous regions.

7 ~~((+e))~~ (d) Administer a portion of funds appropriated by the
8 legislature to house mentally ill persons in state institutions from
9 counties within the boundaries of any regional support network, with
10 the exception of persons currently confined at, or under the
11 supervision of, a state mental hospital pursuant to chapter 10.77 RCW,
12 and provide for the care of all persons needing evaluation and
13 treatment services for periods up to seventeen days according to
14 chapter 71.05 RCW in appropriate residential services, which may
15 include state institutions. The regional support networks shall
16 reimburse the state for use of state institutions at a rate equal to
17 that assumed by the legislature when appropriating funds for such care
18 at state institutions during the biennium when reimbursement occurs.
19 The secretary shall submit a report to the appropriate committees of
20 the senate and house of representatives on the efforts to implement
21 this section by October 1, 2002. The duty of a state hospital to
22 accept persons for evaluation and treatment under chapter 71.05 RCW is
23 limited by the responsibilities assigned to regional support networks
24 under this section.

25 ~~((+f))~~ (e) Administer and provide for the availability of all
26 other mental health services, which shall include patient counseling,
27 ~~((day treatment))~~ intensive rehabilitative day support, consultation,
28 education services, employment services as defined in RCW 71.24.035,
29 and mental health services to children ~~((as provided in this chapter
30 designed to achieve the outcomes specified in section 5 of this act))~~.

31 ~~((+g))~~ (f) Establish standards and procedures for reviewing
32 individual service plans and determining when that person may be
33 discharged from resource management services.

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

36 ~~(3))~~ A regional support network may request that any state-owned
37 land, building, facility, or other capital asset which was ever
38 purchased, deeded, given, or placed in trust for the care of the

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

5 ~~((4))~~ (3) Each regional support network shall appoint a mental
6 health advisory board which shall review and provide comments on plans
7 and policies developed under this chapter, provide local oversight
8 regarding the activities of the regional support network, and work with
9 the regional support network to resolve significant concerns regarding
10 service delivery and outcomes. The department shall establish
11 statewide procedures for the operation of regional advisory committees
12 including mechanisms for advisory board feedback to the department
13 regarding regional support network performance. The composition of the
14 board shall be ~~((broadly representative of the demographic character of~~
15 ~~the region and the mentally ill persons served therein. Length of~~
16 ~~terms of board members shall be determined by the regional support~~
17 ~~network))~~ established by the department and shall include, but not be
18 limited to, representatives of consumers and families, county elected
19 officials, and law enforcement.

20 ~~((5))~~ (4) Regional support networks shall assume all duties
21 specified in their plans and joint operating agreements through
22 biennial contractual agreements with the secretary.

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

25 ~~(7))~~ (5) Regional support networks may receive technical
26 assistance from the housing trust fund and may identify and submit
27 projects for housing and housing support services to the housing trust
28 fund established under chapter 43.185 RCW. Projects identified or
29 submitted under this subsection must be fully integrated with the
30 regional support network six-year operating and capital plan, timeline,
31 and budget required by subsection (1) of this section.

32 **Sec. 10.** RCW 71.24.420 and 2001 c 323 s 2 are each amended to read
33 as follows:

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

1 (1) The full amount of federal funds for mental health services,
2 plus qualifying state expenditures as appropriated in the biennial
3 operating budget, shall be appropriated to the department each year in
4 the biennial appropriations act to carry out the provisions of the
5 community mental health service delivery system authorized in this
6 chapter.

7 ~~((The department may expend funds defined in subsection (1) of
8 this section in any manner that will effectively accomplish the outcome
9 measures defined in section 5 of this act.~~

10 ~~(3) The department shall implement strategies that accomplish the
11 outcome measures identified in section 5 of this act that are within
12 the funding constraints in this section.~~

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

15 NEW SECTION. **Sec. 11.** A new section is added to chapter 71.24 RCW
16 to read as follows:

17 In the event the legislature appropriates funds to serve the
18 nonmedicaid population, the legislature shall specify in the omnibus
19 operating appropriations act the amount of state general fund moneys
20 that shall be used for the priority populations as defined in RCW
21 71.24.035(5)(b) and the services that shall be available through the
22 community mental health service delivery system to serve them.

23 NEW SECTION. **Sec. 12.** A new section is added to chapter 74.09 RCW
24 to read as follows:

25 (1) The department shall adopt rules and policies providing that
26 when persons with a mental disorder, who were enrolled in medical
27 assistance immediately prior to confinement, are released from
28 confinement, their medical assistance coverage will be fully reinstated
29 on the day of their release, subject to any expedited review of their
30 continued eligibility for medical assistance coverage that is required
31 under federal or state law.

32 (2) The department, in collaboration with the Washington
33 association of sheriffs and police chiefs and regional support
34 networks, shall establish procedures for coordination between
35 department field offices and local jails that result in prompt
36 reinstatement of eligibility and speedy eligibility determinations for

1 persons who are likely to be eligible for medical assistance or medical
2 care services while confined or upon release from confinement.
3 Procedures developed under this subsection must address:

4 (a) Mechanisms for receiving medical assistance or medical care
5 services applications on behalf of confined persons in anticipation of
6 their release from confinement;

7 (b) Expeditious review of applications filed by or on behalf of
8 confined persons and, to the extent practicable, completion of the
9 review before the person is released;

10 (c) Mechanisms for providing medical assistance or medical care
11 services identity cards to persons eligible for medical assistance or
12 medical care services immediately upon their release from confinement;
13 and

14 (d) Coordination with the federal social security administration,
15 through interagency agreements or otherwise, to expedite processing of
16 applications for federal supplemental security income or social
17 security disability benefits.

18 (3) In determining disability or incapacity status for medical
19 assistance or medical care services eligibility, the department shall
20 accept disability or incapacity evaluations by a physician or other
21 health professional permitted under federal or state law that are
22 completed while the person is still confined.

23 (4) For purposes of this section, "confined" or "confinement" means
24 incarcerated in a correctional institution, as defined in RCW 9.94.049,
25 or admitted to an institute for mental disease, as defined in 42 C.F.R.
26 part 435, Sec. 1009 on the effective date of this section.

27 NEW SECTION. **Sec. 13.** (1) A joint legislative and executive task
28 force on mental health services delivery and financing is created. The
29 joint task force shall consist of eight members, as follows: The
30 secretary of the department of social and health services or his or her
31 designee; the president of the Washington state association of counties
32 or his or her designee; a representative from the governor's office;
33 two members of the senate appointed by the president of the senate, one
34 of whom shall be a member of the majority caucus and one of whom shall
35 be a member of the minority caucus; two members of the house of
36 representatives appointed by the speaker of the house of
37 representatives, one of whom shall be a member of the majority caucus

1 and one of whom shall be a member of the minority caucus; and the chair
2 of the joint legislative audit and review committee or his or her
3 designee. Staff support for the joint task force shall be provided by
4 the office of financial management, the house of representatives office
5 of program research, and senate committee services.

6 (2) The joint task force may create advisory committees to assist
7 the joint task force in its work.

8 (3) Joint task force members may be reimbursed for travel expenses
9 as authorized under RCW 43.03.050 and 43.03.060 and chapter 44.04 RCW,
10 as appropriate. Advisory committee members, if appointed, shall not
11 receive compensation or reimbursement for travel or expenses.

12 (4) The joint task force shall oversee and make recommendations
13 related to:

14 (a) The reorganization of the mental health administrative
15 structure within the department of social and health services;

16 (b) The standard procurement process established by section 4 of
17 this act, including a preprocurement request for information to
18 identify organizations qualified to be designated a regional support
19 network;

20 (c) The establishment of regional support networks through the
21 standard procurement process;

22 (d) Serving the needs of nonmedicaid consumers for the priority
23 populations under chapter 71.24 RCW; and

24 (e) The types, numbers, and locations of inpatient psychiatric
25 hospital and community residential beds needed to serve persons with a
26 mental illness.

27 (5) The joint task force shall report its initial findings and
28 recommendations to the governor and appropriate committees of the
29 legislature by January 1, 2006, and its final findings and
30 recommendations by June 30, 2007.

31 (6) This section expires June 30, 2007.

32 **Sec. 14.** RCW 71.05.020 and 2000 c 94 s 1 are each amended to read
33 as follows:

34 The definitions in this section apply throughout this chapter
35 unless the context clearly requires otherwise.

36 (1) "Admission" or "admit" means a decision by a physician that a
37 person should be examined or treated as a patient in a hospital;

1 (2) "Antipsychotic medications" means that class of drugs primarily
2 used to treat serious manifestations of mental illness associated with
3 thought disorders, which includes, but is not limited to atypical
4 antipsychotic medications;

5 (3) "Attending staff" means any person on the staff of a public or
6 private agency having responsibility for the care and treatment of a
7 patient;

8 (4) "Commitment" means the determination by a court that a person
9 should be detained for a period of either evaluation or treatment, or
10 both, in an inpatient or a less restrictive setting;

11 (5) "Conditional release" means a revocable modification of a
12 commitment, which may be revoked upon violation of any of its terms;

13 ~~(6) ("County designated mental health professional" means a mental
14 health professional appointed by the county to perform the duties
15 specified in this chapter;~~

16 ~~(7))~~ "Custody" means involuntary detention under the provisions of
17 this chapter or chapter 10.77 RCW, uninterrupted by any period of
18 unconditional release from commitment from a facility providing
19 involuntary care and treatment;

20 ~~((8))~~ (7) "Department" means the department of social and health
21 services;

22 (8) "Designated mental health professional" means a mental health
23 professional certified by the department per rules adopted by the
24 secretary and employed by or contracted with a regional support network
25 established under chapter 71.24 RCW;

26 (9) "Detention" or "detain" means the lawful confinement of a
27 person, under the provisions of this chapter;

28 (10) "Developmental disabilities professional" means a person who
29 has specialized training and three years of experience in directly
30 treating or working with persons with developmental disabilities and is
31 a psychiatrist, psychologist, or social worker, and such other
32 developmental disabilities professionals as may be defined by rules
33 adopted by the secretary;

34 (11) "Developmental disability" means that condition defined in RCW
35 71A.10.020(3);

36 (12) "Discharge" means the termination of hospital medical
37 authority. The commitment may remain in place, be terminated, or be
38 amended by court order;

1 (13) "Evaluation and treatment facility" means any facility which
2 can provide directly, or by direct arrangement with other public or
3 private agencies, emergency evaluation and treatment, outpatient care,
4 and timely and appropriate inpatient care to persons suffering from a
5 mental disorder, and which is certified as such by the department. A
6 physically separate and separately operated portion of a state hospital
7 may be designated as an evaluation and treatment facility. A facility
8 which is part of, or operated by, the department or any federal agency
9 will not require certification. No correctional institution or
10 facility, or jail, shall be an evaluation and treatment facility within
11 the meaning of this chapter;

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

19 (15) "Habilitative services" means those services provided by
20 program personnel to assist persons in acquiring and maintaining life
21 skills and in raising their levels of physical, mental, social, and
22 vocational functioning. Habilitative services include education,
23 training for employment, and therapy. The habilitative process shall
24 be undertaken with recognition of the risk to the public safety
25 presented by the individual being assisted as manifested by prior
26 charged criminal conduct;

27 (16) "History of one or more violent acts" refers to the period of
28 time ten years prior to the filing of a petition under this chapter,
29 excluding any time spent, but not any violent acts committed, in a
30 mental health facility or in confinement as a result of a criminal
31 conviction;

32 (17) "Individualized service plan" means a plan prepared by a
33 developmental disabilities professional with other professionals as a
34 team, for an individual with developmental disabilities, which shall
35 state:

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

1 (b) The conditions and strategies necessary to achieve the purposes
2 of habilitation;

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

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

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

8 (f) Where relevant in light of past criminal behavior and due
9 consideration for public safety, the criteria for proposed movement to
10 less-restrictive settings, criteria for proposed eventual discharge or
11 release, and a projected possible date for discharge or release; and

12 (g) The type of residence immediately anticipated for the person
13 and possible future types of residences;

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

16 (19) "Likelihood of serious harm" means:

17 (a) A substantial risk that: (i) Physical harm will be inflicted
18 by an individual upon his or her own person, as evidenced by threats or
19 attempts to commit suicide or inflict physical harm on oneself; (ii)
20 physical harm will be inflicted by an individual upon another, as
21 evidenced by behavior which has caused such harm or which places
22 another person or persons in reasonable fear of sustaining such harm;
23 or (iii) physical harm will be inflicted by an individual upon the
24 property of others, as evidenced by behavior which has caused
25 substantial loss or damage to the property of others; or

26 (b) The individual has threatened the physical safety of another
27 and has a history of one or more violent acts;

28 (20) "Mental disorder" means any organic, mental, or emotional
29 impairment which has substantial adverse effects on an individual's
30 cognitive or volitional functions;

31 (21) "Mental health professional" means a psychiatrist,
32 psychologist, psychiatric nurse, or social worker, and such other
33 mental health professionals as may be defined by rules adopted by the
34 secretary pursuant to the provisions of this chapter;

35 (22) "Peace officer" means a law enforcement official of a public
36 agency or governmental unit, and includes persons specifically given
37 peace officer powers by any state law, local ordinance, or judicial
38 order of appointment;

1 (23) "Private agency" means any person, partnership, corporation,
2 or association that is not a public agency, whether or not financed in
3 whole or in part by public funds, which constitutes an evaluation and
4 treatment facility or private institution, hospital, or sanitarium,
5 which is conducted for, or includes a department or ward conducted for,
6 the care and treatment of persons who are mentally ill;

7 (24) "Professional person" means a mental health professional and
8 shall also mean a physician, registered nurse, and such others as may
9 be defined by rules adopted by the secretary pursuant to the provisions
10 of this chapter;

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

17 (26) "Psychologist" means a person who has been licensed as a
18 psychologist pursuant to chapter 18.83 RCW;

19 (27) "Public agency" means any evaluation and treatment facility or
20 institution, hospital, or sanitarium which is conducted for, or
21 includes a department or ward conducted for, the care and treatment of
22 persons who are mentally ill((+{,+}))₁ if the agency is operated
23 directly by, federal, state, county, or municipal government, or a
24 combination of such governments;

25 (28) "Release" means legal termination of the commitment under the
26 provisions of this chapter;

27 (29) "Resource management services" has the meaning given in
28 chapter 71.24 RCW;

29 (30) "Secretary" means the secretary of the department of social
30 and health services, or his or her designee;

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

34 (32) "Violent act" means behavior that resulted in homicide,
35 attempted suicide, nonfatal injuries, or substantial damage to
36 property.

1 NEW SECTION. **Sec. 15.** (1) The department of social and health
2 services shall enter into an annual contract with regional support
3 networks for the fiscal year ending June 30, 2006. The department
4 shall issue a request for proposal to establish new regional support
5 networks under RCW 71.24.035 to be effective July 1, 2006.

6 (2) This section expires June 30, 2007.

7 NEW SECTION. **Sec. 16.** The code reviser shall replace all
8 references to "county designated mental health professional" with
9 "designated mental health professional" in the Revised Code of
10 Washington.

11 NEW SECTION. **Sec. 17.** This act does not affect any existing right
12 acquired or liability or obligation incurred under the sections amended
13 or repealed in this act or under any rule or order adopted under those
14 sections, nor does it affect any proceeding instituted under those
15 sections.

16 NEW SECTION. **Sec. 18.** If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected.

20 NEW SECTION. **Sec. 19.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and takes effect
23 immediately."

24 Correct the title.

--- END ---