

**E2SHB 1290** - S AMD 584

By Senators Hargrove, Stevens

ADOPTED 04/14/2005

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 that focus on resilience and recovery,  
9 and practices that are evidence-based, research-based, consensus-based,  
10 or, where these do not exist, promising or emerging best practices,  
11 which provide for:

12 (1) Access to mental health services for adults of the state who  
13 are acutely mentally ill, chronically mentally ill, or seriously  
14 disturbed and children of the state who are acutely mentally ill,  
15 severely emotionally disturbed, or seriously disturbed, which services  
16 recognize the special needs of underserved populations, including  
17 minorities, children, the elderly, disabled, and low-income persons.  
18 Access to mental health services shall not be limited by a person's  
19 history of confinement in a state, federal, or local correctional  
20 facility. It is also the purpose of this chapter to promote the early  
21 identification of mentally ill children and to ensure that they receive  
22 the mental health care and treatment which is appropriate to their  
23 developmental level. This care should improve home, school, and  
24 community functioning, maintain children in a safe and nurturing home  
25 environment, and should enable treatment decisions to be made in  
26 response to clinical needs in accordance with sound professional  
27 judgment while also recognizing parents' rights to participate in  
28 treatment decisions for their 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 health  
24 services, and other support services, which shall to the maximum extent  
25 feasible also include the families of the mentally ill, and other  
26 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~~). Regional systems of care, whether operated by a county,  
3 group of counties, or another entity shall integrate planning,  
4 administration, and service delivery duties (~~assigned to counties~~)  
5 under chapters 71.05 and 71.24 RCW to consolidate administration,  
6 reduce administrative layering, and reduce administrative costs. The  
7 legislature hereby finds and declares that sound fiscal management  
8 requires vigilance to ensure that funds appropriated by the legislature  
9 for the provision of needed community mental health programs and  
10 services are ultimately expended solely for the purpose for which they  
11 were appropriated, and not for any other purpose.

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

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

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

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

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

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

28 (c) Presenting a likelihood of serious harm as defined in RCW  
29 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

30 (2) "Available resources" means funds appropriated for the purpose  
31 of providing community mental health programs (~~under RCW 71.24.045~~),  
32 federal funds, except those provided according to Title XIX of the  
33 Social Security Act, and state funds appropriated under this chapter or  
34 chapter 71.05 RCW by the legislature during any biennium for the  
35 purpose of providing residential services, resource management  
36 services, community support services, and other mental health services.

1 This does not include funds appropriated for the purpose of operating  
2 and administering the state psychiatric hospitals, except as negotiated  
3 according to RCW 71.24.300(1)((+e+)) (d).

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

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

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

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

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

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

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

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

1           (8) "Consensus-based" means a program or practice that has general  
2 support among treatment providers and experts, based on experience or  
3 professional literature, and may have anecdotal or case study support,  
4 or that is agreed but not possible to perform studies with random  
5 assignment and controlled groups.

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

11           ~~((+9))~~ (10) "Department" means the department of social and health  
12 services.

13           ~~((+10))~~ (11) "Designated mental health professional" means a  
14 mental health professional designated by the county or other authority  
15 authorized in rule to perform the duties specified in this chapter.

16           (12) "Emerging best practice" or "promising practice" means a  
17 practice that presents, based on preliminary information, potential for  
18 becoming a research-based or consensus-based practice.

19           (13) "Evidence-based" means a program or practice that has had  
20 multiple site random controlled trials across heterogeneous populations  
21 demonstrating that the program or practice is effective for the  
22 population.

23           (14) "Licensed service provider" means an entity licensed according  
24 to this chapter or chapter 71.05 RCW or an entity deemed to meet state  
25 minimum standards as a result of accreditation by a recognized  
26 behavioral health accrediting body recognized and having a current  
27 agreement with the department, that meets state minimum standards or  
28 individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW,  
29 as it applies to registered nurses and advanced registered nurse  
30 practitioners.

31           ~~((+11))~~ (15) "Mental health services" means all services provided  
32 by regional support networks and other services provided by the state  
33 for the mentally ill.

34           ~~((+12))~~ (16) "Mentally ill persons" and "the mentally ill" mean  
35 persons and conditions defined in subsections (1), (4), ~~((+17))~~ (24),  
36 and ~~((+18))~~ (25) of this section.

37           ~~((+13))~~ (17) "Recovery" means the process in which people are able  
38 to live, work, learn, and participate fully in their communities.

1        (18) "Regional support network" means a county authority or group  
2 of county authorities or other entity recognized by the secretary  
3 (~~that enter into joint operating agreements to contract with the~~  
4 secretary pursuant to this chapter)) in contract in a defined region.

5        ~~((14))~~ (19) "Residential services" means a complete range of  
6 residences and supports authorized by resource management services and  
7 which may involve a facility, a distinct part thereof, or services  
8 which support community living, for acutely mentally ill persons,  
9 chronically mentally ill adults, severely emotionally disturbed  
10 children, or seriously disturbed adults determined by the regional  
11 support network to be at risk of becoming acutely or chronically  
12 mentally ill. The services shall include at least evaluation and  
13 treatment services as defined in chapter 71.05 RCW, acute crisis  
14 respite care, long-term adaptive and rehabilitative care, and  
15 supervised and supported living services, and shall also include any  
16 residential services developed to service mentally ill persons in  
17 nursing homes, boarding homes, and adult family homes. Residential  
18 services for children in out-of-home placements related to their mental  
19 disorder shall not include the costs of food and shelter, except for  
20 children's long-term residential facilities existing prior to January  
21 1, 1991.

22        ~~((15))~~ (20) "Research-based" means a program or practice that has  
23 some research demonstrating effectiveness, but that does not yet meet  
24 the standard of evidence-based practices.

25        (21) "Resilience" means the personal and community qualities that  
26 enable individuals to rebound from adversity, trauma, tragedy, threats,  
27 or other stresses, and to live productive lives.

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

1 a day availability of information regarding mentally ill adults' and  
2 children's enrollment in services and their individual service plan to  
3 county-designated mental health professionals, evaluation and treatment  
4 facilities, and others as determined by the regional support network.

5 ~~((16))~~ (23) "Secretary" means the secretary of social and health  
6 services.

7 ~~((17))~~ (24) "Seriously disturbed person" means a person who:

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

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

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

17 (d) Exhibits suicidal preoccupation or attempts; or

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

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

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

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

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

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

1 (i) Chronic family dysfunction involving a mentally ill or  
2 inadequate caretaker;

3 (ii) Changes in custodial adult;

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

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

9 (v) Drug or alcohol abuse; or

10 (vi) Homelessness.

11 ~~((+19))~~ (26) "State minimum standards" means minimum requirements  
12 established by rules adopted by the secretary and necessary to  
13 implement this chapter for: (a) Delivery of mental health services;  
14 (b) licensed service providers for the provision of mental health  
15 services; (c) residential services; and (d) community support services  
16 and resource management services.

17 ~~((+20))~~ (27) "Tribal authority," for the purposes of this section  
18 and RCW 71.24.300 only, means: The federally recognized Indian tribes  
19 and the major Indian organizations recognized by the secretary insofar  
20 as these organizations do not have a financial relationship with any  
21 regional support network that would present a conflict of interest.

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

24 The secretary is authorized to make grants ~~((to))~~ and/or purchase  
25 services from counties ~~((or))~~, combinations of counties ~~((in the  
26 establishment and operation of))~~, or other entities, to establish and  
27 operate community mental health programs.

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

30 (1) The secretary shall initiate a procurement process for regional  
31 support networks in 2005. In the first step of the procurement  
32 process, existing regional support networks may respond to a request  
33 for qualifications developed by the department. The secretary shall  
34 issue the request for qualifications not later than October 1, 2005.  
35 The request for qualifications shall be based on cost-effectiveness,  
36 adequate residential and service capabilities, effective collaboration

1 with criminal justice agencies and the chemical dependency treatment  
2 system, and the ability to provide the full array of services as stated  
3 in the mental health state plan, and shall meet all applicable federal  
4 and state regulations and standards. An existing regional support  
5 network shall be awarded the contract with the department if it  
6 substantially meets the requirements of the request for qualifications  
7 developed by the department.

8 (2) If an existing regional support network chooses not to respond  
9 to the request for qualifications, or is unable to substantially meet  
10 the requirements of the request for qualifications, the department  
11 shall utilize a procurement process in which other entities recognized  
12 by the secretary may bid to serve as the regional support network in  
13 that region. The procurement process shall begin with a request for  
14 proposals issued March 1, 2006.

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

17 There shall be not less than eight and not more than fourteen  
18 regional support networks.

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

21 (1) Contracts between a regional support network and the department  
22 shall include mechanisms for monitoring performance under the contract  
23 and remedies for failure to substantially comply with the requirements  
24 of the contract including, but not limited to, financial penalties,  
25 termination of the contract, and reprocurement of the contract.

26 (2) The procurement process shall encourage the preservation of  
27 infrastructure previously purchased by the community mental health  
28 service delivery system, the maintenance of linkages between other  
29 services and delivery systems, and maximization of the use of available  
30 funds for services versus profits. The procurement process shall  
31 provide that public funds appropriated by the legislature shall not be  
32 used to promote or deter, encourage, or discourage employees from  
33 exercising their rights under Title 29, chapter 7, subchapter II,  
34 United States Code or chapter 41.56 RCW.

35 (3) In addition to the requirements of RCW 71.24.035, contracts  
36 shall:

1 (a) Define administrative costs and ensure that the regional  
2 support network does not exceed an administrative cost of ten percent  
3 of available funds;

4 (b) Require effective collaboration with law enforcement, criminal  
5 justice agencies, and the chemical dependency treatment system;

6 (c) Require substantial implementation of department adopted  
7 integrated screening and assessment process and matrix of best  
8 practices; and

9 (d) Maintain the decision-making independence of designated mental  
10 health professionals.

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

13 (1) The department is designated as the state mental health  
14 authority.

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

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

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

27 (5) The secretary shall:

28 (a) Develop a biennial state mental health program that  
29 incorporates (~~county~~) regional biennial needs assessments and  
30 (~~county~~) regional mental health service plans and state services for  
31 mentally ill adults and children. The secretary (~~may~~) shall also  
32 develop a six-year state mental health plan;

33 (b) Assure that any regional or county community mental health  
34 program provides access to treatment for the (~~county's~~) region's  
35 residents in the following order of priority: (i) The acutely mentally  
36 ill; (ii) chronically mentally ill adults and severely emotionally

1 disturbed children; and (iii) the seriously disturbed. Such programs  
2 shall provide:

3 (A) Outpatient services;

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

5 (C) Day treatment for mentally ill persons which includes training  
6 in basic living and social skills, supported work, vocational  
7 rehabilitation, and day activities. Such services may include  
8 therapeutic treatment. In the case of a child, day treatment includes  
9 age-appropriate basic living and social skills, educational and  
10 prevocational services, day activities, and therapeutic treatment;

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

13 (E) Employment services, which may include supported employment,  
14 transitional work, placement in competitive employment, and other work-  
15 related services, that result in mentally ill persons becoming engaged  
16 in meaningful and gainful full or part-time work. Other sources of  
17 funding such as the division of vocational rehabilitation may be  
18 utilized by the secretary to maximize federal funding and provide for  
19 integration of services;

20 (F) Consultation and education services; and

21 (G) Community support services;

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

25 (i) Licensed service providers. These rules shall permit a county-  
26 operated mental health program to be licensed as a service provider  
27 subject to compliance with applicable statutes and rules. The  
28 secretary shall provide for deeming of compliance with state minimum  
29 standards for those entities accredited by recognized behavioral health  
30 accrediting bodies recognized and having a current agreement with the  
31 department;

32 (ii) Regional support networks; and

33 (iii) Inpatient services, evaluation and treatment services and  
34 facilities under chapter 71.05 RCW, resource management services, and  
35 community support services;

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

1 (e) Establish a standard contract or contracts, consistent with  
2 state minimum standards and sections 4 and 6 of this act, which shall  
3 be used in contracting with regional support networks (~~(or counties)~~).  
4 The standard contract shall include a maximum fund balance, which shall  
5 (~~(not exceed ten percent)~~) be consistent with that required by federal  
6 regulations or waiver stipulations;

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

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

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

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

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

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

37 (l) Monitor and audit (~~(counties,)~~) regional support networks(~~(,)~~)

1 and licensed service providers as needed to assure compliance with  
2 contractual agreements authorized by this chapter; (~~and~~)

3 (m) Adopt such rules as are necessary to implement the department's  
4 responsibilities under this chapter; and

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

9 (6) The secretary shall use available resources only for regional  
10 support networks, except to the extent authorized, and in accordance  
11 with any priorities or conditions specified, in the biennial  
12 appropriations act.

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

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

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

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

1 (11) Notwithstanding the existence or pursuit of any other remedy,  
2 the secretary may file an action for an injunction or other process  
3 against any person or governmental unit to restrain or prevent the  
4 establishment, conduct, or operation of a regional support network or  
5 service provider without certification or a license under this chapter.

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

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

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

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

37 (14) The secretary shall assume all duties assigned to the  
38 nonparticipating ~~((counties))~~ regional support networks under chapters

1 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those  
2 which would have been assigned to the nonparticipating counties  
3 (~~under~~) in regions where there are not participating regional support  
4 networks.

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

11 (15) The secretary shall:

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

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

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

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

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

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

1 evaluation and treatment facilities certified under chapter 71.05 RCW.  
2 The department shall periodically report its efforts to the appropriate  
3 committees of the senate and the house of representatives.

4 **Sec. 8.** RCW 71.24.045 and 2001 c 323 s 12 are each amended to read  
5 as follows:

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

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

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

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

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

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

31 (6) Use not more than two percent of state-appropriated community  
32 mental health funds, which shall not include federal funds, to  
33 administer community mental health programs under RCW 71.24.155:  
34 PROVIDED, That county authorities serving a county or combination of  
35 counties whose population is one hundred twenty-five thousand or more  
36 may be entitled to sufficient state-appropriated community mental  
37 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) Collaborate to ensure that policies do not result in an adverse  
5 shift of mentally ill persons into state and local correctional  
6 facilities;

7 (8) Work with the department to expedite the enrollment or re-  
8 enrollment of eligible persons leaving state or local correctional  
9 facilities and institutions for mental diseases;

10 (9) If a regional support network is not operated by the county,  
11 work closely with the county designated mental health professional or  
12 county designated crisis responder to maximize appropriate placement of  
13 persons into community services; and

14 (10) Coordinate services for individuals who have received services  
15 through the community mental health system and who become patients at  
16 a state mental hospital.

17 **Sec. 9.** RCW 71.24.100 and 1982 c 204 s 7 are each amended to read  
18 as follows:

19 A county authority or a group of county authorities may enter into  
20 a joint operating agreement to form a regional support network. Any  
21 agreement between two or more county authorities for the establishment  
22 of a ((~~community mental health program~~)) regional support network shall  
23 provide:

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

26 (2) That the treasurer of one participating county shall be the  
27 custodian of funds made available for the purposes of such mental  
28 health services, and that the treasurer may make payments from such  
29 funds upon audit by the appropriate auditing officer of the county for  
30 which he is treasurer.

31 **Sec. 10.** RCW 71.24.240 and 1982 c 204 s 13 are each amended to  
32 read as follows:

33 In order to establish eligibility for funding under this chapter,  
34 any ((~~county or counties~~)) regional support network seeking to obtain  
35 federal funds for the support of any aspect of a community mental

1 health program as defined in this chapter shall submit program plans to  
2 the secretary for prior review and approval before such plans are  
3 submitted to any federal agency.

4 **Sec. 11.** RCW 71.24.300 and 2001 c 323 s 17 are each amended to  
5 read as follows:

6 ~~((A county authority or a group of county authorities whose  
7 combined population is no less than forty thousand may enter into a  
8 joint operating agreement to form a regional support network.))~~ Upon  
9 the request of a tribal authority or authorities within a regional  
10 support network the joint operating agreement or the county authority  
11 shall allow for the inclusion of the tribal authority to be represented  
12 as a party to the regional support network. The roles and  
13 responsibilities of the county and tribal authorities shall be  
14 determined by the terms of that agreement including a determination of  
15 membership on the governing board and advisory committees, the number  
16 of tribal representatives to be party to the agreement, and the  
17 provisions of law and shall assure the provision of culturally  
18 competent services to the tribes served. The state mental health  
19 authority may not determine the roles and responsibilities of county  
20 authorities as to each other under regional support networks by rule,  
21 except to assure that all duties required of regional support networks  
22 are assigned and that counties and the regional support network do not  
23 duplicate functions and that a single authority has final  
24 responsibility for all available resources and performance under the  
25 regional support network's contract with the secretary. If a regional  
26 support network is a private entity, the department shall allow for the  
27 inclusion of the tribal authority to be represented as a party to the  
28 regional support network. The roles and responsibilities of the  
29 private entity and the tribal authorities shall be determined by the  
30 department, through negotiation with the tribal authority.

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

35 (a) Administer and provide for the availability of all resource  
36 management services, residential services, and community support  
37 services.

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

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

6           ~~((d))~~ (c) Provide within the boundaries of each regional support  
7 network evaluation and treatment services for at least eighty-five  
8 percent of persons detained or committed for periods up to seventeen  
9 days according to chapter 71.05 RCW. Regional support networks with  
10 populations of less than one hundred fifty thousand may contract to  
11 purchase evaluation and treatment services from other networks.  
12 Insofar as the original intent of serving persons in the community is  
13 maintained, the secretary is authorized to approve exceptions on a  
14 case-by-case basis to the requirement to provide evaluation and  
15 treatment services within the boundaries of each regional support  
16 network. Such exceptions are limited to contracts with neighboring or  
17 contiguous regions.

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

36           ~~((f))~~ (e) Administer and provide for the availability of all  
37 other mental health services, which shall include patient counseling,  
38 day treatment, consultation, education services, employment services as

1 defined in RCW 71.24.035, and mental health services to children (~~as~~  
2 ~~provided in this chapter designed to achieve the outcomes specified in~~  
3 ~~section 5 of this act~~)).

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

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

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

16 ~~((4))~~ (3) Each regional support network shall appoint a mental  
17 health advisory board which shall review and provide comments on plans  
18 and policies developed under this chapter, provide local oversight  
19 regarding the activities of the regional support network, and work with  
20 the regional support network to resolve significant concerns regarding  
21 service delivery and outcomes. The department shall establish  
22 statewide procedures for the operation of regional advisory committees  
23 including mechanisms for advisory board feedback to the department  
24 regarding regional support network performance. The composition of the  
25 board shall be broadly representative of the demographic character of  
26 the region and ~~((the mentally ill persons served therein))~~ shall  
27 include, but not be limited to, representatives of consumers and  
28 families, law enforcement, and where the county is not the regional  
29 support network, county elected officials. Composition and length of  
30 terms of board members may differ between regional support networks but  
31 shall be ((determined)) included in each regional support network's  
32 contract and approved by the ((regional support network)) secretary.

33 ~~((5))~~ (4) Regional support networks shall assume all duties  
34 specified in their plans and joint operating agreements through  
35 biennial contractual agreements with the secretary.

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

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

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

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

17       (2) The department, in collaboration with the Washington  
18 association of sheriffs and police chiefs, the department of  
19 corrections, and the regional support networks, shall establish  
20 procedures for coordination between department field offices,  
21 institutions for mental disease, and correctional institutions, as  
22 defined in RCW 9.94.049, that result in prompt reinstatement of  
23 eligibility and speedy eligibility determinations for persons who are  
24 likely to be eligible for medical assistance services upon release from  
25 confinement. Procedures developed under this subsection must address:

26       (a) Mechanisms for receiving medical assistance services  
27 applications on behalf of confined persons in anticipation of their  
28 release from confinement;

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

32       (c) Mechanisms for providing medical assistance services identity  
33 cards to persons eligible for medical assistance services immediately  
34 upon their release from confinement; and

35       (d) Coordination with the federal social security administration,  
36 through interagency agreements or otherwise, to expedite processing of

1 applications for federal supplemental security income or social  
2 security disability benefits, including federal acceptance of  
3 applications on behalf of confined persons.

4 (3) Where medical or psychiatric examinations during a person's  
5 confinement indicate that the person is disabled, the correctional  
6 institution or institution for mental diseases shall provide the  
7 department with that information for purposes of making medical  
8 assistance eligibility and enrollment determinations prior to the  
9 person's release from confinement. The department shall, to the  
10 maximum extent permitted by federal law, use the examination in making  
11 its determination whether the person is disabled and eligible for  
12 medical assistance.

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

17 (5) For purposes of this section, "likely to be eligible" means  
18 that a person:

19 (a) Was enrolled in medicaid or supplemental security income or  
20 general assistance immediately before he or she was confined and his or  
21 her enrollment was terminated during his or her confinement; or

22 (b) Was enrolled in medicaid or supplemental security income or  
23 general assistance at any time during the five years before his or her  
24 confinement, and medical or psychiatric examinations during the  
25 person's confinement indicate that the person continues to be disabled  
26 and the disability is likely to last at least twelve months following  
27 release.

28 (6) The economic services administration shall adopt standardized  
29 statewide screening and application practices and forms designed to  
30 facilitate the application of a confined person who is likely to be  
31 eligible for medicaid.

32 NEW SECTION. **Sec. 13.** A new section is added to chapter 71.24 RCW  
33 to read as follows:

34 The secretary shall require the regional support networks to  
35 develop interlocal agreements pursuant to section 12 of this act. To  
36 this end, the regional support networks shall accept referrals for

1 enrollment on behalf of a confined person, prior to the person's  
2 release.

3 NEW SECTION. **Sec. 14.** (1) A joint legislative and executive task  
4 force on mental health services delivery and financing is created. The  
5 joint task force shall consist of eight members, as follows: The  
6 secretary of the department of social and health services or his or her  
7 designee; the president of the Washington state association of counties  
8 or his or her designee; a representative from the governor's office;  
9 two members of the senate appointed by the president of the senate, one  
10 of whom shall be a member of the majority caucus and one of whom shall  
11 be a member of the minority caucus; two members of the house of  
12 representatives appointed by the speaker of the house of  
13 representatives, one of whom shall be a member of the majority caucus  
14 and one of whom shall be a member of the minority caucus; and the chair  
15 of the joint legislative audit and review committee or his or her  
16 designee. Staff support for the joint task force shall be provided by  
17 the office of financial management, the house of representatives office  
18 of program research, and senate committee services.

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

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

25 (4) The joint task force shall oversee and make recommendations  
26 related to:

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

29 (b) The standards and correction process and the procurement  
30 process established by sections 4 through 6 of this act, including the  
31 establishment of regional support networks through a procurement  
32 process;

33 (c) The extent to which the current funding distribution  
34 methodology achieves equity in funding and access to services for  
35 mental health services consumers;

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

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

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

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

9 NEW SECTION. **Sec. 15.** (1) The department of social and health  
10 services shall enter into a contract with regional support networks for  
11 the period ending August 31, 2006. The department shall issue a  
12 request for proposal to the extent required by section 4 of this act  
13 and the contract shall be effective September 1, 2006.

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

15 NEW SECTION. **Sec. 16.** The code reviser shall replace all  
16 references to "county designated mental health professional" with  
17 "designated mental health professional" in the Revised Code of  
18 Washington.

19 NEW SECTION. **Sec. 17.** This act does not affect any existing right  
20 acquired or liability or obligation incurred under the sections amended  
21 or repealed in this act or under any rule or order adopted under those  
22 sections, nor does it affect any proceeding instituted under those  
23 sections.

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

28 NEW SECTION. **Sec. 19.** Section 4 of this act is necessary for the  
29 immediate preservation of the public peace, health, or safety, or  
30 support of the state government and its existing public institutions,  
31 and takes effect immediately."

**E2SHB 1290 - S AMD 584**

By Senators Hargrove, Stevens

**ADOPTED 04/14/2005**

1        On page 1, line 1 of the title, after "services;" strike the  
2 remainder of the title and insert "amending RCW 71.24.025, 71.24.030,  
3 71.24.045, 71.24.100, 71.24.240, and 71.24.300; reenacting and amending  
4 RCW 71.24.015 and 71.24.035; adding new sections to chapter 71.24 RCW;  
5 adding a new section to chapter 74.09 RCW; creating new sections;  
6 providing expiration dates; and declaring an emergency."

EFFECT: Restores a statewide procurement process, but provides a process for existing regional support networks to come into compliance with standards. The procurement process will not apply to regional support networks that are in substantial compliance with the standards or that substantially implement a plan of correction within the time frame. Restores language establishing a minimum number of 8 regional support networks and adds language capping the maximum number at 14 (the existing number). Amends language to expedite medical assistance eligibility and restoration of benefits for persons leaving confinement. Amends definitions to be consistent with E2SSB 5763. Clarifies the duties of the mental health task force during its extension. Adds an emergency clause to section 4.

--- END ---