
SECOND SUBSTITUTE HOUSE BILL 1290

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Cody, Bailey, Schual-Berke, Campbell, Morrell, Hinkle, Green, Appleton, Moeller, Haigh, Linville, Kenney, Wood and Santos)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to community mental health services; amending RCW
2 71.24.025, 71.24.030, 71.24.045, 71.24.100, 71.24.240, 71.24.300,
3 71.24.420, and 71.05.020; reenacting and amending RCW 71.24.015 and
4 71.24.035; adding new sections to chapter 71.24 RCW; adding a new
5 section to chapter 74.09 RCW; creating new sections; providing
6 expiration dates; and declaring an emergency.

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

8 **Sec. 1.** RCW 71.24.015 and 2001 c 334 s 6 and 2001 c 323 s 1 are
9 each reenacted and amended to read as follows:

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

16 (1) Access to a package of mental health services that is
17 consistent across the state for adults of the state who are acutely
18 mentally ill, chronically mentally ill, or seriously disturbed and
19 children of the state who are acutely mentally ill, severely

1 emotionally disturbed, or seriously disturbed, which services recognize
2 the special needs of underserved populations, including minorities,
3 children, the elderly, disabled, and low-income persons. Access to
4 mental health services shall not be limited by a person's history of
5 confinement in a state, federal, or local correctional facility. It is
6 also the purpose of this chapter to promote the early identification of
7 mentally ill children and to ensure that they receive the mental health
8 care and treatment which is appropriate to their developmental level.
9 This care should improve home, school, and community functioning,
10 maintain children in a safe and nurturing home environment, and should
11 enable treatment decisions to be made in response to clinical needs in
12 accordance with sound professional judgment while also recognizing
13 parents' rights to participate in treatment decisions for their
14 children;

15 (2) The involvement of persons with mental illness, their family
16 members, and advocates in designing and implementing mental health
17 services that reduce unnecessary hospitalization and incarceration and
18 promote the recovery and employment of persons with mental illness. To
19 improve the quality of services available and promote the
20 rehabilitation, recovery, and reintegration of persons with mental
21 illness, consumer and advocate participation in mental health services
22 is an integral part of the community mental health system and shall be
23 supported;

24 (3) Accountability of efficient and effective services through
25 state of the art outcome and performance measures and statewide
26 standards for monitoring client and system outcomes, performance, and
27 reporting of client and system outcome information. These processes
28 shall be designed so as to maximize the use of available resources for
29 direct care of people with a mental illness and to assure uniform data
30 collection across the state;

31 ~~((+3))~~ (4) Minimum service delivery standards;

32 ~~((+4))~~ (5) Priorities for the use of available resources for the
33 care of the mentally ill consistent with the priorities defined in the
34 statute;

35 ~~((+5))~~ (6) Coordination of services within the department,
36 including those divisions within the department that provide services
37 to children, between the department and the office of the
38 superintendent of public instruction, and among state mental hospitals,

1 ((~~county authorities~~)) regional support networks, community mental
2 health services, and other support services, which shall to the maximum
3 extent feasible also include the families of the mentally ill, and
4 other service providers; and

5 ((~~(6)~~)) (7) Coordination of services aimed at reducing duplication
6 in service delivery and promoting complementary services among all
7 entities that provide mental health services to adults and children.

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

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

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

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this chapter.

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

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

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

37 or

1 (c) Presenting a likelihood of serious harm as defined in RCW
2 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

3 (2) "Available resources" means funds appropriated for the purpose
4 of providing community mental health programs (~~(under RCW 71.24.045)~~),
5 federal funds, except those provided according to Title XIX of the
6 Social Security Act, and state funds appropriated under this chapter or
7 chapter 71.05 RCW by the legislature during any biennium for the
8 purpose of providing residential services, resource management
9 services, community support services, and other mental health services.
10 This does not include funds appropriated for the purpose of operating
11 and administering the state psychiatric hospitals, except as negotiated
12 according to RCW 71.24.300(1)(~~(e)~~) (d).

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

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

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

18 (b) Has experienced a continuous psychiatric hospitalization or
19 residential treatment exceeding six months' duration within the
20 preceding year; or

21 (c) Has been unable to engage in any substantial gainful activity
22 by reason of any mental disorder which has lasted for a continuous
23 period of not less than twelve months. "Substantial gainful activity"
24 shall be defined by the department by rule consistent with Public Law
25 92-603, as amended.

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

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

32 (7) "Community support services" means services authorized,
33 planned, and coordinated through resource management services
34 including, at a minimum, assessment, diagnosis, emergency crisis
35 intervention available twenty-four hours, seven days a week,
36 prescreening determinations for mentally ill persons being considered
37 for placement in nursing homes as required by federal law, screening
38 for patients being considered for admission to residential services,

1 diagnosis and treatment for acutely mentally ill and severely
2 emotionally disturbed children discovered under screening through the
3 federal Title XIX early and periodic screening, diagnosis, and
4 treatment program, investigation, legal, and other nonresidential
5 services under chapter 71.05 RCW, case management services, psychiatric
6 treatment including medication supervision, counseling, psychotherapy,
7 assuring transfer of relevant patient information between service
8 providers, recovery services, and other services determined by regional
9 support networks.

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

15 (9) "Department" means the department of social and health
16 services.

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

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

28 ~~((11))~~ (12) "Mental health services" means all services provided
29 by regional support networks and other services provided by the state
30 for the mentally ill.

31 ~~((12))~~ (13) "Mentally ill persons" and "the mentally ill" mean
32 persons and conditions defined in subsections (1), (4), ~~((17))~~ (20),
33 and ~~((18))~~ (21) of this section.

34 ~~((13))~~ (14) "Regional support network" means a county authority
35 or group of county authorities or other entity recognized by the
36 secretary ~~((that enter into joint operating agreements to contract with~~
37 ~~the secretary pursuant to this chapter))~~ through a department
38 procurement process.

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

18 ~~((15))~~ (16) "Recovery" means the process in which people are able
19 to live, work, learn, and participate fully in their communities.

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

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

1 (~~(16)~~) (19) "Secretary" means the secretary of social and health
2 services.

3 (~~(17)~~) (20) "Seriously disturbed person" means a person who:

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

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

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

13 (d) Exhibits suicidal preoccupation or attempts; or

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

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

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

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

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

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

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

36 (ii) Changes in custodial adult;

37 (iii) Going to, residing in, or returning from any placement

1 outside of the home, for example, psychiatric hospital, short-term
2 inpatient, residential treatment, group or foster home, or a
3 correctional facility;

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

5 (v) Drug or alcohol abuse; or

6 (vi) Homelessness.

7 ~~((19))~~ (22) "State minimum standards" means minimum requirements
8 established by rules adopted by the secretary and necessary to
9 implement this chapter for: (a) Delivery of mental health services;
10 (b) licensed service providers for the provision of mental health
11 services; (c) residential services; and (d) community support services
12 and resource management services.

13 ~~((20))~~ (23) "Tribal authority," for the purposes of this section
14 and RCW 71.24.300 only, means: The federally recognized Indian tribes
15 and the major Indian organizations recognized by the secretary insofar
16 as these organizations do not have a financial relationship with any
17 regional support network that would present a conflict of interest.

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

20 The secretary is authorized to make grants ~~((to))~~ and/or purchase
21 services ~~((from counties or combinations of counties in the
22 establishment and operation of))~~ to establish and operate community
23 mental health programs.

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

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

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

32 (1) The department is designated as the state mental health
33 authority.

34 (2) The secretary shall provide for public, client, and licensed

1 service provider participation in developing the state mental health
2 program, developing contracts with regional support networks, and any
3 waiver request to the federal government under medicaid.

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

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

12 (5) The secretary shall:

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

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

24 (A) Outpatient services;

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

26 (C) ~~((Day treatment for mentally ill persons which includes
27 training in basic living and social skills, supported work, vocational
28 rehabilitation, and day activities. Such services may include
29 therapeutic treatment. In the case of a child, day treatment includes
30 age appropriate basic living and social skills, educational and
31 prevocational services, day activities, and therapeutic treatment))~~
32 Intensive rehabilitative day support services that provide a range of
33 integrated and varied life skills training which may include health,
34 hygiene, nutritional issues, money management, maintaining living
35 arrangements, and symptom management, to promote improved functioning
36 or a restoration to a previous higher level of functioning. In the
37 case of a child, day supports include age-appropriate basic living and

1 social skills, educational and prevocational services, day activities,
2 and therapeutic treatment including school-based programming;

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

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

12 (F) Consultation and education services; and

13 (G) Community support services;

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

17 (i) Licensed service providers. These rules shall permit a county-
18 operated mental health program to be licensed as a service provider
19 subject to compliance with applicable statutes and rules. The
20 secretary shall provide for deeming of compliance with state minimum
21 standards for those entities accredited by recognized behavioral health
22 accrediting bodies recognized and having a current agreement with the
23 department;

24 (ii) Regional support networks; and

25 (iii) Inpatient services, evaluation and treatment services and
26 facilities under chapter 71.05 RCW, resource management services, and
27 community support services;

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

31 (e) Establish a standard contract or contracts, using a standard
32 procurement process consistent with state minimum standards, which
33 shall be used in contracting with regional support networks (~~(or~~
34 ~~counties))~~). The standard contract shall include a maximum fund
35 balance, which shall (~~(not exceed ten percent))~~) be consistent with that
36 required by federal regulations or waiver stipulations.

37 (i) The standardized procurement process shall encourage the
38 preservation of infrastructure previously purchased by the community

1 mental service delivery system and maximization of the use of available
2 funds for services versus profits. County, provider, and
3 consumer/advocate-based organizations should be given the opportunity
4 to compete.

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

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

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

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

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

32 ~~((h))~~ (j) License service providers who meet state minimum
33 standards;

34 ~~((i))~~ (k) Certify regional support networks that meet state
35 minimum standards;

36 ~~((j))~~ (l) Periodically monitor the compliance of certified
37 regional support networks and their network of licensed service

1 providers for compliance with the contract between the department, the
2 regional support network, and federal and state rules at reasonable
3 times and in a reasonable manner;

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

6 ~~((l))~~ (n) Monitor and audit ~~((counties,))~~ regional support
7 networks~~((,))~~ and licensed service providers as needed to assure
8 compliance with contractual agreements authorized by this chapter;
9 ~~((and~~

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

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

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

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

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

32 (9) The superior court may restrain any regional support network or
33 service provider from operating without certification or a license or
34 any other violation of this section. The court may also review,
35 pursuant to procedures contained in chapter 34.05 RCW, any denial,
36 suspension, limitation, restriction, or revocation of certification or
37 license, and grant other relief required to enforce the provisions of
38 this chapter.

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

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

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

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

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

34 (c) After July 1, 2003, the department may allocate up to two
35 percent of total funds to be distributed to the regional support
36 networks for incentive payments to reward the achievement of superior
37 outcomes, or significantly improved outcomes, as measured by a
38 statewide performance measurement system consistent with the framework

1 recommended in the joint legislative audit and review committee's
2 performance audit of the mental health system. The department shall
3 annually report to the legislature on its criteria and allocation of
4 the incentives provided under this subsection.

5 (14) The secretary shall assume all duties assigned to (~~the~~
6 ~~nonparticipating counties~~) regional support networks under chapters
7 71.05, 71.34, and 71.24 RCW(~~(. Such responsibilities shall include~~
8 ~~those which would have been assigned to the nonparticipating counties~~
9 ~~under)~~) in regions where there are not participating regional support
10 networks.

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

17 (15) The secretary shall:

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

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

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

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

34 (~~(e))~~) (d) Deny funding allocations to regional support networks
35 based solely upon formal findings of noncompliance with the terms of
36 the regional support network's contract with the department. Written
37 notice and at least thirty days for corrective action must precede any

1 such action. In such cases, regional support networks shall have full
2 rights to appeal under chapter 34.05 RCW.

3 (16) The department, in cooperation with the state congressional
4 delegation, shall actively seek waivers of federal requirements and
5 such modifications of federal regulations as are necessary to allow
6 federal medicaid reimbursement for services provided by free-standing
7 evaluation and treatment facilities certified under chapter 71.05 RCW.
8 The department shall periodically report its efforts to the appropriate
9 committees of the senate and the house of representatives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (a) Administer and provide for the availability of all resource
33 management services, residential services, and community support
34 services.

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

37 ~~(e))~~ Administer and provide for the availability of all

1 investigation, transportation, court-related, and other services
2 provided by the state or counties pursuant to chapter 71.05 RCW.

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

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

33 ~~((f))~~ (e) Administer and provide for the availability of all
34 other mental health services, which shall include patient counseling,
35 ~~((day treatment))~~ intensive rehabilitative day support, consultation,
36 education services, employment services as defined in RCW 71.24.035,
37 and mental health services to children ~~((as provided in this chapter
38 designed to achieve the outcomes specified in section 5 of this act))~~.

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

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

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

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

28 ~~((5))~~ (4) Regional support networks shall assume all duties
29 specified in their plans and joint operating agreements through
30 biennial contractual agreements with the secretary.

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

33 ~~(7))~~ (5) Regional support networks may receive technical
34 assistance from the housing trust fund and may identify and submit
35 projects for housing and housing support services to the housing trust
36 fund established under chapter 43.185 RCW. Projects identified or
37 submitted under this subsection must be fully integrated with the

1 regional support network six-year operating and capital plan, timeline,
2 and budget required by subsection (1) of this section.

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

5 The department shall operate the community mental health service
6 delivery system authorized under this chapter within the following
7 constraints:

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

14 ~~(2) ((The department may expend funds defined in subsection (1) of
15 this section in any manner that will effectively accomplish the outcome
16 measures defined in section 5 of this act.~~

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

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

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

24 In the event the legislature appropriates funds to serve the
25 nonmedicaid population, the legislature shall specify in the omnibus
26 operating appropriations act the amount of state general fund moneys
27 that shall be used for the priority populations as defined in RCW
28 71.24.035(5)(b) and the services that shall be available through the
29 community mental health service delivery system to serve them.

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

32 (1) The department shall adopt rules and policies providing that
33 when persons with a mental disorder, who were enrolled in medical
34 assistance immediately prior to confinement, are released from
35 confinement, their medical assistance coverage will be fully reinstated

1 on the day of their release, subject to any expedited review of their
2 continued eligibility for medical assistance coverage that is required
3 under federal or state law.

4 (2) The department, in collaboration with the Washington
5 association of sheriffs and police chiefs and regional support
6 networks, shall establish procedures for coordination between
7 department field offices and local jails that result in prompt
8 reinstatement of eligibility and speedy eligibility determinations for
9 persons who are likely to be eligible for medical assistance or medical
10 care services while confined or upon release from confinement.
11 Procedures developed under this subsection must address:

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

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

18 (c) Mechanisms for providing medical assistance or medical care
19 services identity cards to persons eligible for medical assistance or
20 medical care services immediately upon their release from confinement;
21 and

22 (d) Coordination with the federal social security administration,
23 through interagency agreements or otherwise, to expedite processing of
24 applications for federal supplemental security income or social
25 security disability benefits.

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

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

35 NEW SECTION. **Sec. 13.** (1) A joint legislative and executive task
36 force on mental health services delivery and financing is created. The
37 joint task force shall consist of eight members, as follows: The

1 secretary of the department of social and health services or his or her
2 designee; the president of the Washington state association of counties
3 or his or her designee; a representative from the governor's office;
4 two members of the senate appointed by the president of the senate, one
5 of whom shall be a member of the majority caucus and one of whom shall
6 be a member of the minority caucus; two members of the house of
7 representatives appointed by the speaker of the house of
8 representatives, one of whom shall be a member of the majority caucus
9 and one of whom shall be a member of the minority caucus; and the chair
10 of the joint legislative audit and review committee or his or her
11 designee. Staff support for the joint task force shall be provided by
12 the office of financial management, the house of representatives office
13 of program research, and senate committee services.

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

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

20 (4) The joint task force shall oversee and make recommendations
21 related to:

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

24 (b) The standard procurement process established by section 4 of
25 this act;

26 (c) The establishment of regional support networks through the
27 standard procurement process;

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

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

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

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

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

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

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

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

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

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

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

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

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

26 ~~((8))~~ (7) "Department" means the department of social and health
27 services;

28 (8) "Designated mental health professional" means a mental health
29 professional certified by the department per rules adopted by the
30 secretary and employed by a regional support network established under
31 chapter 71.24 RCW;

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

34 (10) "Developmental disabilities professional" means a person who
35 has specialized training and three years of experience in directly
36 treating or working with persons with developmental disabilities and is
37 a psychiatrist, psychologist, or social worker, and such other

1 developmental disabilities professionals as may be defined by rules
2 adopted by the secretary;

3 (11) "Developmental disability" means that condition defined in RCW
4 71A.10.020(3);

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

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

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

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

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

1 (17) "Individualized service plan" means a plan prepared by a
2 developmental disabilities professional with other professionals as a
3 team, for an individual with developmental disabilities, which shall
4 state:

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

7 (b) The conditions and strategies necessary to achieve the purposes
8 of habilitation;

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

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

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

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

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

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

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

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

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

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

37 (21) "Mental health professional" means a psychiatrist,

1 psychologist, psychiatric nurse, or social worker, and such other
2 mental health professionals as may be defined by rules adopted by the
3 secretary pursuant to the provisions of this chapter;

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

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

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

18 (25) "Psychiatrist" means a person having a license as a physician
19 and surgeon in this state who has in addition completed three years of
20 graduate training in psychiatry in a program approved by the American
21 medical association or the American osteopathic association and is
22 certified or eligible to be certified by the American board of
23 psychiatry and neurology;

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

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

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

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

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

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

4 (32) "Violent act" means behavior that resulted in homicide,
5 attempted suicide, nonfatal injuries, or substantial damage to
6 property.

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

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

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

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

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

26 NEW SECTION. **Sec. 19.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 immediately.

--- END ---