
HOUSE BILL 1290

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2005 Regular Session

By Representatives Cody, Bailey, Schual-Berke, Campbell, Morrell, Hinkle, Green, Appleton, Moeller, Haigh, Linville, Kenney, Wood and Santos

Read first time 01/20/2005. Referred to Committee on Health Care.

1 AN ACT Relating to community mental health services; amending RCW
2 71.24.025, 71.24.030, 71.24.045, 71.24.100, 71.24.110, 71.24.300,
3 71.24.420, and 71.05.020; reenacting and amending RCW 71.24.015 and
4 71.24.035; creating new sections; making appropriations; providing an
5 expiration date; and declaring an emergency.

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

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

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

15 (1) Access to mental health services for adults of the state who
16 are acutely mentally ill, chronically mentally ill, or seriously
17 disturbed and children of the state who are acutely mentally ill,
18 severely emotionally disturbed, or seriously disturbed, which services
19 recognize the special needs of underserved populations, including

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

13 (2) Accountability of efficient and effective services through
14 state of the art outcome and performance measures and statewide
15 standards for monitoring client and system outcomes, performance, and
16 reporting of client and system outcome information. These processes
17 shall be designed so as to maximize the use of available resources for
18 direct care of people with a mental illness;

19 (3) Minimum service delivery standards;

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

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

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

32 It is the policy of the state to encourage the provision of a full
33 range of treatment and rehabilitation services in the state for mental
34 disorders. The legislature intends to encourage the development of
35 (~~county based and county managed~~) regional mental health services
36 with adequate local flexibility to assure eligible people in need of
37 care access to the least-restrictive treatment alternative appropriate
38 to their needs, and the availability of treatment components to assure

1 continuity of care. To this end, (~~counties are encouraged to enter~~
2 ~~into joint operating agreements with other counties to form~~) regional
3 systems of care (~~which~~) will integrate planning, administration, and
4 service delivery duties (~~assigned to counties~~) under chapters 71.05
5 and 71.24 RCW to consolidate administration, reduce administrative
6 layering, and reduce administrative costs.

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

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

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

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

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

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

23 (c) Presenting a likelihood of serious harm as defined in RCW
24 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

25 (2) "Available resources" means funds appropriated for the purpose
26 of providing community mental health programs (~~under RCW 71.24.045~~),
27 federal funds, except those provided according to Title XIX of the
28 Social Security Act, and state funds appropriated under this chapter or
29 chapter 71.05 RCW by the legislature during any biennium for the
30 purpose of providing residential services, resource management
31 services, community support services, and other mental health services.
32 This does not include funds appropriated for the purpose of operating
33 and administering the state psychiatric hospitals, except as negotiated
34 according to RCW 71.24.300(1)(e).

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

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

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

3 (b) Has experienced a continuous psychiatric hospitalization or
4 residential treatment exceeding six months' duration within the
5 preceding year; or

6 (c) Has been unable to engage in any substantial gainful activity
7 by reason of any mental disorder which has lasted for a continuous
8 period of not less than twelve months. "Substantial gainful activity"
9 shall be defined by the department by rule consistent with Public Law
10 92-603, as amended.

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

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

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

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

1 (9) "Department" means the department of social and health
2 services.

3 (10) "Licensed service provider" means an entity licensed according
4 to this chapter or chapter 71.05 RCW or an entity deemed to meet state
5 minimum standards as a result of accreditation by a recognized
6 behavioral health accrediting body recognized and having a current
7 agreement with the department, that meets state minimum standards or
8 individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW,
9 as it applies to registered nurses and advanced registered nurse
10 practitioners.

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

14 (12) "Mentally ill persons" and "the mentally ill" mean persons and
15 conditions defined in subsections (1), (4), ~~((+17))~~ (19), and ~~((+18))~~
16 (20) of this section.

17 (13) "Regional support network" means a county authority or group
18 of county authorities or other entity recognized by the secretary
19 ~~((that enter into joint operating agreements to contract with the~~
20 ~~secretary pursuant to this chapter))~~ through a department procurement
21 process.

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

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

1 (16) "Resilience" means the personal and community qualities that
2 enable individuals to rebound from adversity, trauma, tragedy, threats,
3 or other stresses, and to live productive lives.

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

19 ~~((16))~~ (18) "Secretary" means the secretary of social and health
20 services.

21 ~~((17))~~ (19) "Seriously disturbed person" means a person who:
22 (a) Is gravely disabled or presents a likelihood of serious harm to
23 himself or herself or others, or to the property of others, as a result
24 of a mental disorder as defined in chapter 71.05 RCW;
25 (b) Has been on conditional release status, or under a less
26 restrictive alternative order, at some time during the preceding two
27 years from an evaluation and treatment facility or a state mental
28 health hospital;
29 (c) Has a mental disorder which causes major impairment in several
30 areas of daily living;
31 (d) Exhibits suicidal preoccupation or attempts; or
32 (e) Is a child diagnosed by a mental health professional, as
33 defined in chapter 71.34 RCW, as experiencing a mental disorder which
34 is clearly interfering with the child's functioning in family or school
35 or with peers or is clearly interfering with the child's personality
36 development and learning.

37 ~~((18))~~ (20) "Severely emotionally disturbed child" means a child
38 who has been determined by the regional support network to be

1 experiencing a mental disorder as defined in chapter 71.34 RCW,
2 including those mental disorders that result in a behavioral or conduct
3 disorder, that is clearly interfering with the child's functioning in
4 family or school or with peers and who meets at least one of the
5 following criteria:

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

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

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

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

14 (i) Chronic family dysfunction involving a mentally ill or
15 inadequate caretaker;

16 (ii) Changes in custodial adult;

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

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

22 (v) Drug or alcohol abuse; or

23 (vi) Homelessness.

24 (~~(19)~~) (21) "State minimum standards" means minimum requirements
25 established by rules adopted by the secretary and necessary to
26 implement this chapter for: (a) Delivery of mental health services;
27 (b) licensed service providers for the provision of mental health
28 services; (c) residential services; and (d) community support services
29 and resource management services.

30 (~~(20)~~) (22) "Tribal authority," for the purposes of this section
31 and RCW 71.24.300 only, means: The federally recognized Indian tribes
32 and the major Indian organizations recognized by the secretary insofar
33 as these organizations do not have a financial relationship with any
34 regional support network that would present a conflict of interest.

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

37 The secretary is authorized to make grants to and/or purchase

1 services from (~~counties or combinations of counties~~) regional support
2 networks in the establishment and operation of community mental health
3 programs.

4 **Sec. 4.** RCW 71.24.035 and 2001 c 334 s 7 and 2001 c 323 s 10 are
5 each reenacted and amended to read as follows:

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

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

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

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

20 (5) The secretary shall:

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

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

32 (A) Outpatient services;

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

34 (C) (~~Day treatment for mentally ill persons which includes~~
35 ~~training in basic living and social skills, supported work, vocational~~
36 ~~rehabilitation, and day activities. Such services may include~~

1 ~~therapeutic treatment. In the case of a child, day treatment includes~~
2 ~~age-appropriate basic living and social skills, educational and~~
3 ~~prevocational services, day activities, and therapeutic treatment;~~

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

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

14 ~~(F) Consultation and education services)); and~~

15 ~~((G))~~ (E) Community support services;

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

19 (i) Licensed service providers. The secretary shall provide for
20 deeming of compliance with state minimum standards for those entities
21 accredited by recognized behavioral health accrediting bodies
22 recognized and having a current agreement with the department;

23 (ii) Regional support networks; and

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

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

30 (e) Establish a standard contract or contracts, using a standard
31 procurement process consistent with generally accepted government
32 standards, and consistent with state minimum standards, which shall be
33 used in contracting with regional support networks (~~(or counties)~~).
34 The standard contract shall include a maximum fund balance, which shall
35 not exceed ten percent;

36 (f) Establish, to the extent possible, a standardized auditing
37 procedure which minimizes paperwork requirements of (~~county~~

1 authorities)) regional support networks and licensed service providers.
2 The audit procedure shall focus on the outcomes of service and not the
3 processes for accomplishing them;

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

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

20 (i) Certify regional support networks that meet state minimum
21 standards;

22 (j) Periodically monitor the compliance of certified regional
23 support networks and their network of licensed service providers for
24 compliance with the contract between the department, the regional
25 support network, and federal and state rules at reasonable times and in
26 a reasonable manner;

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

29 (l) Monitor and audit (~~(counties,)~~) regional support networks(~~(,)~~)
30 and licensed service providers as needed to assure compliance with
31 contractual agreements authorized by this chapter; (~~and~~)

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

34 (n) Assure the availability of an appropriate amount of
35 community-based, geographically distributed residential services.

36 (6) The secretary shall use available resources only for (~~regional~~
37 ~~support networks~~) the community mental health service delivery system.

1 (7) Each certified regional support network and licensed service
2 provider shall file with the secretary, on request, such data,
3 statistics, schedules, and information as the secretary reasonably
4 requires. A certified regional support network or licensed service
5 provider which, without good cause, fails to furnish any data,
6 statistics, schedules, or information as requested, or files fraudulent
7 reports thereof, may have its certification or license revoked or
8 suspended.

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

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

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

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

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

36 (13)(a) The department, in consultation with affected parties,
37 shall establish a distribution formula that reflects ((county))
38 regional needs assessments based on the number of persons who are

1 acutely mentally ill, chronically mentally ill, severely emotionally
2 disturbed children, and seriously disturbed. The formula shall take
3 into consideration the impact on (~~counties~~) regions of demographic
4 factors (~~in counties~~) which result in concentrations of priority
5 populations as set forth in subsection (5)(b) of this section. These
6 factors shall include the population concentrations resulting from
7 commitments under chapters 71.05 and 71.34 RCW to state psychiatric
8 hospitals, as well as concentration in urban areas, at border crossings
9 at state boundaries, and other significant demographic and workload
10 factors.

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

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

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

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

35 (15) The secretary shall:

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

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

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

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

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

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

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

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

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

36 (2) Operate as a licensed service provider if it deems that doing
37 so is more efficient and cost effective than contracting for services.

1 When doing so, the ((~~county authority~~)) regional support network shall
2 comply with rules promulgated by the secretary that shall provide
3 measurements to determine when a ((~~county~~)) regional support network
4 provided service is more efficient and cost effective;

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

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

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

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

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

30 **Sec. 6.** RCW 71.24.100 and 1982 c 204 s 7 are each amended to read
31 as follows:

32 A county authority or a group of county authorities may enter into
33 a joint operating agreement to form a regional support network. Any
34 agreement between two or more county authorities for the establishment
35 of a ((~~community mental health program~~)) regional support network shall
36 provide:

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

3 (2) That the treasurer of one participating county shall be the
4 custodian of funds made available for the purposes of such mental
5 health services, and that the treasurer may make payments from such
6 funds upon audit by the appropriate auditing officer of the county for
7 which he is treasurer.

8 **Sec. 7.** RCW 71.24.110 and 1999 c 10 s 7 are each amended to read
9 as follows:

10 An agreement for the establishment of a community mental health
11 program under RCW 71.24.100 may also provide:

12 (1) For the joint supervision or operation of services and
13 facilities, or for the supervision or operation of service and
14 facilities by one participating ~~((county))~~ region under contract for
15 the other participating ~~((counties))~~ regions; and

16 (2) For such other matters as are necessary or proper to effectuate
17 the purposes of this chapter.

18 **Sec. 8.** RCW 71.24.300 and 2001 c 323 s 17 are each amended to read
19 as follows:

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

1 and the regional support network do not duplicate functions and that a
2 single authority has final responsibility for all available resources
3 and performance under the regional support network's contract with the
4 secretary.

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

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

12 (b) Assume the powers and duties of county authorities within its
13 area as described in RCW 71.24.045 (1) through (~~(+7)~~) (6).

14 (c) Administer and provide for the availability of all
15 investigation, transportation, court-related, and other services
16 provided by the state or counties pursuant to chapter 71.05 RCW.

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

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

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

9 (f) Administer and provide for the availability of all other mental
10 health services, which shall include patient counseling, day treatment,
11 consultation, education services, employment services as defined in RCW
12 71.24.035, and mental health services to children (~~as provided in this~~
13 ~~chapter designed to achieve the outcomes specified in section 5 of this~~
14 ~~act~~)).

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

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

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

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

33 (5) Regional support networks shall assume all duties specified in
34 their plans and joint operating agreements through biennial contractual
35 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))~~) Regional support networks may receive technical assistance
2 from the housing trust fund and may identify and submit projects for
3 housing and housing support services to the housing trust fund
4 established under chapter 43.185 RCW. Projects identified or submitted
5 under this subsection must be fully integrated with the regional
6 support network six-year operating and capital plan, timeline, and
7 budget required by subsection (1) of this section.

8 **Sec. 9.** RCW 71.24.420 and 2001 c 323 s 2 are each amended to read
9 as follows:

10 The department shall operate the community mental health service
11 delivery system authorized under this chapter within the following
12 constraints:

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

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

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

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

27 NEW SECTION. **Sec. 10.** (1) The sum of dollars, or as much
28 thereof as may be necessary, is appropriated for the fiscal year ending
29 June 30, 2006, from the general fund to the department of social and
30 health services for the purposes of this act.

31 (2) The sum of dollars, or as much thereof as may be
32 necessary, is appropriated for the fiscal year ending June 30, 2007,
33 from the general fund to the department of social and health services
34 for the purposes of this act.

1 **Sec. 11.** 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 appointed by a regional support network established under
30 chapter 71.24 RCW;

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

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

1 (11) "Developmental disability" means that condition defined in RCW
2 71A.10.020(3);

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

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

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

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

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

37 (17) "Individualized service plan" means a plan prepared by a

1 developmental disabilities professional with other professionals as a
2 team, for an individual with developmental disabilities, which shall
3 state:

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

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

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

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

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

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

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

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

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

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

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

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

36 (21) "Mental health professional" means a psychiatrist,
37 psychologist, psychiatric nurse, or social worker, and such other

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

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

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

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

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

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

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

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

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

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

37 (31) "Social worker" means a person with a master's or further

1 advanced degree from an accredited school of social work or a degree
2 deemed equivalent under rules adopted by the secretary;

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

6 NEW SECTION. **Sec. 12.** (1) The department of social and health
7 services shall enter into an annual contract with regional support
8 networks for the fiscal year ending June 30, 2006. The department
9 shall issue a request for proposal to establish new regional support
10 networks under RCW 71.24.035 to be effective July 1, 2006.

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

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

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

21 NEW SECTION. **Sec. 15.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

25 NEW SECTION. **Sec. 16.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 immediately.

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