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SENATE BILL 6793

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State of Washington

59th Legislature

2006 Regular Session

By Senators Hargrove, Brown, Brandland, McAuliffe, Thibaudeau, Rockefeller and Rasmussen

Read first time 01/24/2006. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to specifying roles and responsibilities with  
2 respect to the treatment of persons with mental disorders; amending RCW  
3 71.24.045, 71.24.300, 71.24.320, 71.24.3201, 71.24.330, 71.05.300,  
4 72.23.010, and 72.23.025; reenacting and amending RCW 71.24.035;  
5 creating a new section; providing an expiration date; and declaring an  
6 emergency.

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

8 **Sec. 1.** RCW 71.24.045 and 2005 c 503 s 8 are each amended to read  
9 as follows:

10 The regional support network shall:

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

17 (2) Operate as a licensed service provider if it deems that doing  
18 so is more efficient and cost effective than contracting for services.  
19 When doing so, the regional support network shall comply with rules

1 promulgated by the secretary that shall provide measurements to  
2 determine when a regional support network provided service is more  
3 efficient and cost effective;

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

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

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

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

26 (7) Collaborate to ensure that policies do not result in an adverse  
27 shift of mentally ill persons into state and local correctional  
28 facilities;

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

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

36 (10) Coordinate services for individuals who have received services  
37 through the community mental health system and who become patients at

1 a state mental hospital to ensure they are transitioned into the  
2 community upon determination that they no longer need involuntary  
3 inpatient care; and

4 (11) Evaluate all petitions for ninety and one hundred eighty-day  
5 involuntary commitments under chapter 71.05 RCW to determine whether  
6 the needs of the individual can be met through community support  
7 services in a less restrictive alternative to detention. Regional  
8 support networks must provide a less restrictive alternative to  
9 detention whenever it is determined that the needs of the individual  
10 can be met through community support services.

11 **Sec. 2.** RCW 71.24.300 and 2005 c 503 s 11 are each amended to read  
12 as follows:

13 Upon the request of a tribal authority or authorities within a  
14 regional support network the joint operating agreement or the county  
15 authority shall allow for the inclusion of the tribal authority to be  
16 represented as a party to the regional support network. The roles and  
17 responsibilities of the county and tribal authorities shall be  
18 determined by the terms of that agreement including a determination of  
19 membership on the governing board and advisory committees, the number  
20 of tribal representatives to be party to the agreement, and the  
21 provisions of law and shall assure the provision of culturally  
22 competent services to the tribes served. The state mental health  
23 authority may not determine the roles and responsibilities of county  
24 authorities as to each other under regional support networks by rule,  
25 except to assure that all duties required of regional support networks  
26 are assigned and that counties and the regional support network do not  
27 duplicate functions and that a single authority has final  
28 responsibility for all available resources and performance under the  
29 regional support network's contract with the secretary. If a regional  
30 support network is a private entity, the department shall allow for the  
31 inclusion of the tribal authority to be represented as a party to the  
32 regional support network. The roles and responsibilities of the  
33 private entity and the tribal authorities shall be determined by the  
34 department, through negotiation with the tribal authority.

35 (1) Regional support networks shall submit an overall six-year  
36 operating and capital plan, timeline, and budget and submit progress

1 reports and an updated two-year plan biennially thereafter, to assume  
2 within available resources all of the following duties:

3 (a) Administer and provide for the availability of all resource  
4 management services, residential services, and community support  
5 services.

6 (b) Administer and provide for the availability of all  
7 investigation, transportation, court-related, and other services  
8 provided by the state or counties pursuant to chapter 71.05 RCW.

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

20 (i) Contracts with neighboring or contiguous regions; or

21 (ii) Individuals detained or committed for periods up to seventeen  
22 days at the state hospitals at the discretion of the secretary.

23 (d) Administer a portion of funds appropriated by the legislature  
24 to house mentally ill persons in state institutions from counties  
25 within the boundaries of any regional support network, with the  
26 exception of persons currently confined at, or under the supervision  
27 of, a state mental hospital pursuant to chapter 10.77 RCW, and provide  
28 for the care of all persons needing evaluation and treatment services  
29 for periods up to seventeen days according to chapter 71.05 RCW in  
30 appropriate residential services, which may include state institutions  
31 consistent with (c) of this subsection. To the extent that use of the  
32 state hospitals by the regional support networks is authorized by the  
33 secretary in (c) of this subsection, the regional support networks  
34 shall reimburse the state for use of state institutions at a rate equal  
35 to that assumed by the legislature when appropriating funds for such  
36 care at state institutions during the biennium when reimbursement  
37 occurs. The secretary shall submit a report to the appropriate  
38 committees of the senate and house of representatives on the efforts to

1 implement this section by October 1, 2002. The duty of a state  
2 hospital to accept persons for evaluation and treatment under chapter  
3 71.05 RCW is limited by the responsibilities assigned to regional  
4 support networks under this section.

5 (e) Administer and provide for the availability of all other mental  
6 health services, which shall include patient counseling, day treatment,  
7 consultation, education services, employment services as defined in RCW  
8 71.24.035, and mental health services to children.

9 (f) Establish standards and procedures for reviewing individual  
10 service plans and determining when that person may be discharged from  
11 resource management services.

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

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

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

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

8 **Sec. 3.** RCW 71.24.320 and 2005 c 503 s 4 are each amended to read  
9 as follows:

10 (1) The secretary shall initiate a procurement process for regional  
11 support networks in 2005. In the first step of the procurement  
12 process, existing regional support networks may respond to a request  
13 for qualifications developed by the department. The secretary shall  
14 issue the request for qualifications not later than October 1, 2005.  
15 The request for qualifications shall be based on cost-effectiveness,  
16 adequate residential and service capabilities, effective collaboration  
17 with criminal justice agencies and the chemical dependency treatment  
18 system, and the ability to provide the full array of services as stated  
19 in the mental health state plan, and shall meet all applicable federal  
20 and state regulations and standards. An existing regional support  
21 network shall be awarded the contract with the department if it  
22 substantially meets the requirements of the request for qualifications  
23 developed by the department. If, after completion of the request for  
24 qualifications process, an existing regional support network is found  
25 to have not substantially met the requirements, the regional support  
26 network shall have an additional six months to come into substantial  
27 compliance through implementation of a plan of correction.

28 (2) If an existing regional support network (~~chooses not to~~  
29 ~~respond to the request for qualifications, or~~) is unable to  
30 substantially meet the requirements of the request for qualifications  
31 and chooses not to implement a plan of correction, the department shall  
32 utilize a procurement process in which other entities recognized by the  
33 secretary may bid to serve as the regional support network in that  
34 region. The procurement process shall begin with a request for  
35 proposals (~~issued March 1, 2006~~).

1        NEW SECTION.    **Sec. 4.**    (1) The joint legislative audit and review  
2 committee shall conduct a performance audit of the request for  
3 qualifications process. The audit should include assessments of: (a)  
4 The extent to which the request for qualifications requirements comport  
5 with, exceed, or fail to address federal or state law; (b) the  
6 consistency of scoring across regional support networks; (c) the extent  
7 to which the evaluation criteria were uniformly applied; (d) the extent  
8 to which the request for qualifications requirements add new  
9 administrative costs not required by federal rules and state law; and  
10 (e) the extent to which the process impacted the availability of  
11 resources for direct services.

12        (2) A preliminary report of the performance audit must be submitted  
13 to the legislature by September 30, 2006. A final report must be  
14 submitted to the legislature by December 1, 2006.

15        **Sec. 5.**    RCW 71.24.3201 and 2005 c 503 s 15 are each amended to  
16 read as follows:

17        (1) The department of social and health services shall enter into  
18 a contract with regional support networks for the period ending August  
19 31, 2006. The department shall issue a request for proposal to the  
20 extent required by RCW 71.24.320 and the contract shall be effective  
21 September 1, 2006. As of September 1, 2006, contracts shall be  
22 effective as follows:

23        (a) Regional support networks that substantially met the  
24 requirements of the request for qualifications shall be awarded a  
25 contract with the department effective September 1, 2006;

26        (b) Regional support networks that were unable to meet the  
27 requirements of the request for qualifications and that implement a  
28 plan of correction by July 1, 2006, shall receive a contract extension  
29 until September 1, 2007;

30        (c) Regional support networks that were unable to meet the  
31 requirements of the request for qualifications and chose not to  
32 implement a plan of correction shall be subject to the request for  
33 proposals process as negotiated between the department and the regional  
34 support network as provided in RCW 71.24.320.

35        (2) This section expires June 30, (~~2007~~) 2008.

1       **Sec. 6.** RCW 71.24.330 and 2005 c 503 s 6 are each amended to read  
2 as follows:

3       (1) Contracts between a regional support network and the department  
4 shall include mechanisms for monitoring performance under the contract  
5 and remedies for failure to substantially comply with the requirements  
6 of the contract including, but not limited to, financial penalties,  
7 termination of the contract, and reprocurement of the contract.

8       (2) The procurement process shall encourage the preservation of  
9 infrastructure previously purchased by the community mental health  
10 service delivery system, the maintenance of linkages between other  
11 services and delivery systems, and maximization of the use of available  
12 funds for services versus profits. The procurement process shall  
13 provide that public funds appropriated by the legislature shall not be  
14 used to promote or deter, encourage, or discourage employees from  
15 exercising their rights under Title 29, chapter 7, subchapter II,  
16 United States Code or chapter 41.56 RCW.

17       (3) In addition to the requirements of RCW 71.24.035, contracts  
18 shall:

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

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

24       (c) Require substantial implementation of department adopted  
25 integrated screening and assessment process and matrix of best  
26 practices; (~~and~~)

27       (d) Maintain the decision-making independence of designated mental  
28 health professionals which does not limit the regional support  
29 network's responsibility to provide less restrictive alternatives to  
30 detention when appropriate under RCW 71.24.045; and

31       (e) Except at the discretion of the secretary, require regional  
32 support networks to pay the state for the costs associated with  
33 individuals who are voluntarily or civilly committed under chapter  
34 71.05 RCW, being served on the grounds of the state hospitals, and not  
35 receiving long-term inpatient care as defined in RCW 72.23.010.

36       **Sec. 7.** RCW 71.05.300 and 1998 c 297 s 17 are each amended to read  
37 as follows:



1       The petition for ninety day treatment shall be filed with the clerk  
2 of the superior court at least three days before expiration of the  
3 fourteen-day period of intensive treatment. At the time of filing such  
4 petition, the clerk shall set a time for the person to come before the  
5 court on the next judicial day after the day of filing unless such  
6 appearance is waived by the person's attorney, and the clerk shall  
7 notify the ((~~county~~)) designated mental health professional. The  
8 ((~~county~~)) designated mental health professional shall immediately  
9 notify the person detained, his or her attorney, if any, and his or her  
10 guardian or conservator, if any, and the prosecuting attorney, and  
11 provide a copy of the petition to such persons as soon as possible.  
12 The designated mental health professional shall also immediately  
13 provide a copy of the petition to the regional support network and the  
14 state hospital.

15       At the time set for appearance the detained person shall be brought  
16 before the court, unless such appearance has been waived and the court  
17 shall advise him or her of his or her right to be represented by an  
18 attorney and of his or her right to a jury trial. If the detained  
19 person is not represented by an attorney, or is indigent or is  
20 unwilling to retain an attorney, the court shall immediately appoint an  
21 attorney to represent him or her. The court shall, if requested,  
22 appoint a reasonably available licensed physician, psychologist, or  
23 psychiatrist, designated by the detained person to examine and testify  
24 on behalf of the detained person.

25       The court may, if requested, also appoint a professional person as  
26 defined in RCW 71.05.020 to seek less restrictive alternative courses  
27 of treatment and to testify on behalf of the detained person. In the  
28 case of a developmentally disabled person who has been determined to be  
29 incompetent pursuant to RCW 10.77.090(4), then the appointed  
30 professional person under this section shall be a developmental  
31 disabilities professional.

32       The court shall also set a date for a full hearing on the petition  
33 as provided in RCW 71.05.310.

34       **Sec. 8.** RCW 71.24.035 and 2005 c 504 s 715 and 2005 c 503 s 7 are  
35 each reenacted and amended to read as follows:

36       (1) The department is designated as the state mental health  
37 authority.

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

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

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

12 (5) The secretary shall:

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

18 (b) Assure that any regional or county community mental health  
19 program provides access to treatment for the region's residents in the  
20 following order of priority: (i) The acutely mentally ill; (ii)  
21 chronically mentally ill adults and severely emotionally disturbed  
22 children; and (iii) the seriously disturbed. Such programs shall  
23 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 training  
27 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 (D) Screening for patients being considered for admission to state  
33 mental health facilities to determine the appropriateness of admission;

34 (E) Employment services, which may include supported employment,  
35 transitional work, placement in competitive employment, and other work-  
36 related services, that result in mentally ill persons becoming engaged  
37 in meaningful and gainful full or part-time work. Other sources of

1 funding such as the division of vocational rehabilitation may be  
2 utilized by the secretary to maximize federal funding and provide for  
3 integration of services;

4 (F) Consultation and education services; and

5 (G) Community support services;

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

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

16 (ii) Regional support networks; and

17 (iii) Inpatient services, evaluation and treatment services and  
18 facilities under chapter 71.05 RCW, resource management services, and  
19 community support services;

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

23 (e) Establish a standard contract or contracts, consistent with  
24 state minimum standards and RCW 71.24.320 (~~and~~), 71.24.330, and  
25 71.24.3201, which shall be used in contracting with regional support  
26 networks. The standard contract shall include a maximum fund balance,  
27 which shall be consistent with that required by federal regulations or  
28 waiver stipulations;

29 (f) Establish, to the extent possible, a standardized auditing  
30 procedure which minimizes paperwork requirements of regional support  
31 networks and licensed service providers. The audit procedure shall  
32 focus on the outcomes of service and not the processes for  
33 accomplishing them;

34 (g) Develop and maintain an information system to be used by the  
35 state and regional support networks that includes a tracking method  
36 which allows the department and regional support networks to identify  
37 mental health clients' participation in any mental health service or  
38 public program on an immediate basis. The information system shall not

1 include individual patient's case history files. Confidentiality of  
2 client information and records shall be maintained as provided in this  
3 chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

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

5 (i) Certify regional support networks that meet state minimum  
6 standards;

7 (j) Periodically monitor the compliance of certified regional  
8 support networks and their network of licensed service providers for  
9 compliance with the contract between the department, the regional  
10 support network, and federal and state rules at reasonable times and in  
11 a reasonable manner;

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

14 (l) Monitor and audit regional support networks and licensed  
15 service providers as needed to assure compliance with contractual  
16 agreements authorized by this chapter;

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

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

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

27 (7) Each certified regional support network and licensed service  
28 provider shall file with the secretary, on request, such data,  
29 statistics, schedules, and information as the secretary reasonably  
30 requires. A certified regional support network or licensed service  
31 provider which, without good cause, fails to furnish any data,  
32 statistics, schedules, or information as requested, or files fraudulent  
33 reports thereof, may have its certification or license revoked or  
34 suspended.

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

1 (9) The superior court may restrain any regional support network or  
2 service provider from operating without certification or a license or  
3 any other violation of this section. The court may also review,  
4 pursuant to procedures contained in chapter 34.05 RCW, any denial,  
5 suspension, limitation, restriction, or revocation of certification or  
6 license, and grant other relief required to enforce the provisions of  
7 this chapter.

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

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

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

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

36 (b) The formula shall also include a projection of the funding  
37 allocations that will result for each region, which specifies

1 allocations according to priority populations, including the allocation  
2 for services to children and other underserved populations.

3 (c) After July 1, 2003, the department may allocate up to ~~((two))~~  
4 five percent of ~~((total funds))~~ available resources to be distributed  
5 to the regional support networks for incentive payments to reward the  
6 achievement of superior outcomes, or significantly improved outcomes,  
7 as measured by a statewide performance measurement system consistent  
8 with the framework recommended in the joint legislative audit and  
9 review committee's performance audit of the mental health system. The  
10 department shall annually report to the legislature on its criteria and  
11 allocation of the incentives provided under this subsection.

12 (14) The secretary shall assume all duties assigned to the  
13 nonparticipating regional support networks under chapters 71.05, 71.34,  
14 and 71.24 RCW. Such responsibilities shall include those which would  
15 have been assigned to the nonparticipating counties in regions where  
16 there are not participating regional support networks.

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

23 (15) The secretary shall:

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

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

33 (c) Notify regional support networks of their allocation of  
34 available resources at least sixty days prior to the start of a new  
35 biennial contract period.

36 (d) Deny funding allocations to regional support networks based  
37 solely upon formal findings of noncompliance with the terms of the  
38 regional support network's contract with the department. ~~((Written~~

1 ~~notice and at least thirty days for corrective action must precede any~~  
2 ~~such action. In such cases, regional support networks shall have full~~  
3 ~~rights to appeal under chapter 34.05 RCW.))~~

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

11 **Sec. 9.** RCW 72.23.010 and 2000 c 22 s 2 are each amended to read  
12 as follows:

13 The definitions in this section apply throughout this chapter,  
14 unless the context clearly requires otherwise.

15 (1) "Court" means the superior court of the state of Washington.

16 (2) "Department" means the department of social and health  
17 services.

18 (3) "Employee" means an employee as defined in RCW 49.17.020.

19 (4) "Licensed physician" means an individual permitted to practice  
20 as a physician under the laws of the state, or a medical officer,  
21 similarly qualified, of the government of the United States while in  
22 this state in performance of his or her official duties.

23 (5) "Long-term inpatient care" means inpatient services for persons  
24 committed for intensive treatment for periods of ninety days or greater  
25 under chapter 71.05 RCW. "Long-term inpatient care" as used in this  
26 chapter does not include services for individuals committed under  
27 chapter 71.05 RCW who are receiving services pursuant to a conditional  
28 release or a court-ordered less restrictive alternative to detention.

29 (6) "Mentally ill person" means any person who, pursuant to the  
30 definitions contained in RCW 71.05.020, as a result of a mental  
31 disorder presents a likelihood of serious harm to others or himself or  
32 herself or is gravely disabled.

33 ((+6)) (7) "Patient" means a person under observation, care, or  
34 treatment in a state hospital, or a person found mentally ill by the  
35 court, and not discharged from a state hospital, or other facility, to  
36 which such person had been ordered hospitalized.

37 ((+7)) (8) "Resident" means a resident of the state of Washington.

1        ~~((+8))~~ (9) "Secretary" means the secretary of social and health  
2 services.

3        ~~((+9))~~ (10) "State hospital" means any hospital, including a child  
4 study and treatment center, operated and maintained by the state of  
5 Washington for the care of the mentally ill.

6        ~~((+10))~~ (11) "Superintendent" means the superintendent of a state  
7 hospital.

8        ~~((+11))~~ (12) "Violence" or "violent act" means any physical  
9 assault or attempted physical assault against an employee or patient of  
10 a state hospital.

11        Wherever used in this chapter, the masculine shall include the  
12 feminine and the singular shall include the plural.

13        **Sec. 10.** RCW 72.23.025 and 1998 c 245 s 141 are each amended to  
14 read as follows:

15        (1) It is the intent of the legislature to improve the quality of  
16 service at state hospitals, eliminate overcrowding, and more  
17 specifically define the role of the state hospitals. The legislature  
18 intends that eastern and western state hospitals shall become clinical  
19 centers for handling the most complicated long-term care needs of  
20 patients with a primary diagnosis of mental disorder. ~~((Over the next  
21 six years, their involvement in providing short term, acute care, and  
22 less complicated long term care shall be diminished in accordance with  
23 the revised responsibilities for mental health care under chapter 71.24  
24 RCW.))~~ To this end, the legislature intends that funds appropriated  
25 for mental health programs, including funds for regional support  
26 networks and the state hospitals be used for persons with primary  
27 diagnosis of mental disorder. The legislature finds that establishment  
28 of the eastern state hospital board, the western state hospital board,  
29 and institutes for the study and treatment of mental disorders at both  
30 eastern state hospital and western state hospital will be instrumental  
31 in implementing the legislative intent.

32        (2)(a) The eastern state hospital board and the western state  
33 hospital board are each established. Members of the boards shall be  
34 appointed by the governor with the consent of the senate. Each board  
35 shall include:

36        (i) The director of the institute for the study and treatment of  
37 mental disorders established at the hospital;



1 (ii) One family member of a current or recent hospital resident;  
2 (iii) One consumer of services;  
3 (iv) One community mental health service provider;  
4 (v) Two citizens with no financial or professional interest in  
5 mental health services;  
6 (vi) One representative of the regional support network in which  
7 the hospital is located;  
8 (vii) One representative from the staff who is a physician;  
9 (viii) One representative from the nursing staff;  
10 (ix) One representative from the other professional staff;  
11 (x) One representative from the nonprofessional staff; and  
12 (xi) One representative of a minority community.  
13 (b) At least one representative listed in (a)(viii), (ix), or (x)  
14 of this subsection shall be a union member.  
15 (c) Members shall serve four-year terms. Members of the board  
16 shall be reimbursed for travel expenses as provided in RCW 43.03.050  
17 and 43.03.060 and shall receive compensation as provided in RCW  
18 43.03.240.  
19 (3) The boards established under this section shall:  
20 (a) Monitor the operation and activities of the hospital;  
21 (b) Review and advise on the hospital budget;  
22 (c) Make recommendations to the governor and the legislature for  
23 improving the quality of service provided by the hospital;  
24 (d) Monitor and review the activities of the hospital in  
25 implementing the intent of the legislature set forth in this section;  
26 and  
27 (e) Consult with the secretary regarding persons the secretary may  
28 select as the superintendent of the hospital whenever a vacancy occurs.  
29 (4)(a) There is established at eastern state hospital and western  
30 state hospital, institutes for the study and treatment of mental  
31 disorders. The institutes shall be operated by joint operating  
32 agreements between state colleges and universities and the department  
33 of social and health services. The institutes are intended to conduct  
34 training, research, and clinical program development activities that  
35 will directly benefit mentally ill persons receiving treatment in  
36 Washington state by performing the following activities:  
37 (i) Promote recruitment and retention of highly qualified

1 professionals at the state hospitals and community mental health  
2 programs;

3 (ii) Improve clinical care by exploring new, innovative, and  
4 scientifically based treatment models for persons presenting  
5 particularly difficult and complicated clinical syndromes;

6 (iii) Provide expanded training opportunities for existing staff at  
7 the state hospitals and community mental health programs;

8 (iv) Promote bilateral understanding of treatment orientation,  
9 possibilities, and challenges between state hospital professionals and  
10 community mental health professionals.

11 (b) To accomplish these purposes the institutes may, within funds  
12 appropriated for this purpose:

13 (i) Enter joint operating agreements with state universities or  
14 other institutions of higher education to accomplish the placement and  
15 training of students and faculty in psychiatry, psychology, social  
16 work, occupational therapy, nursing, and other relevant professions at  
17 the state hospitals and community mental health programs;

18 (ii) Design and implement clinical research projects to improve the  
19 quality and effectiveness of state hospital services and operations;

20 (iii) Enter into agreements with community mental health service  
21 providers to accomplish the exchange of professional staff between the  
22 state hospitals and community mental health service providers;

23 (iv) Establish a student loan forgiveness and conditional  
24 scholarship program to retain qualified professionals at the state  
25 hospitals and community mental health providers when the secretary has  
26 determined a shortage of such professionals exists.

27 (c) Notwithstanding any other provisions of law to the contrary,  
28 the institutes may enter into agreements with the department or the  
29 state hospitals which may involve changes in staffing necessary to  
30 implement improved patient care programs contemplated by this section.

31 (d) The institutes are authorized to seek and accept public or  
32 private gifts, grants, contracts, or donations to accomplish their  
33 purposes under this section.

34 NEW SECTION. **Sec. 11.** This act is necessary for the immediate  
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

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