

SSB 6404 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED 03/06/2008

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 71.24 RCW  
4 to read as follows:

5 In the event that an existing regional support network will no  
6 longer be contracting to provide services, it is the intent of the  
7 legislature to provide flexibility to the department to facilitate a  
8 stable transition which avoids disruption of services to consumers and  
9 families, maximizes efficiency and public safety, and maintains the  
10 integrity of the public mental health system. By granting this  
11 authority and flexibility, the legislature finds that the department  
12 will be able to maximize purchasing power within allocated resources  
13 and attract high quality organizations with optimal infrastructure to  
14 perform regional support network functions through competitive  
15 procurement processes. The legislature intends for the department of  
16 social and health services to partner with political subdivisions and  
17 other entities to provide quality, coordinated, and integrated services  
18 to address the needs of individuals with behavioral health needs.

19 **Sec. 2.** RCW 71.24.025 and 2007 c 414 s 1 are each amended to read  
20 as follows:

21 Unless the context clearly requires otherwise, the definitions in  
22 this section apply throughout this chapter.

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

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

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

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

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

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

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

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

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

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

26 (5) "Clubhouse" means a community-based program that provides  
27 rehabilitation services and is certified by the department of social  
28 and health services.

29 (6) "Community mental health program" means all mental health  
30 services, activities, or programs using available resources.

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

35 (8) "Community support services" means services authorized,  
36 planned, and coordinated through resource management services  
37 including, at a minimum, assessment, diagnosis, emergency crisis  
38 intervention available twenty-four hours, seven days a week,

1 prescreening determinations for persons who are mentally ill being  
2 considered for placement in nursing homes as required by federal law,  
3 screening for patients being considered for admission to residential  
4 services, diagnosis and treatment for children who are acutely mentally  
5 ill or severely emotionally disturbed discovered under screening  
6 through the federal Title XIX early and periodic screening, diagnosis,  
7 and treatment program, investigation, legal, and other nonresidential  
8 services under chapter 71.05 RCW, case management services, psychiatric  
9 treatment including medication supervision, counseling, psychotherapy,  
10 assuring transfer of relevant patient information between service  
11 providers, recovery services, and other services determined by regional  
12 support networks.

13 (9) "Consensus-based" means a program or practice that has general  
14 support among treatment providers and experts, based on experience or  
15 professional literature, and may have anecdotal or case study support,  
16 or that is agreed but not possible to perform studies with random  
17 assignment and controlled groups.

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

23 (11) "Department" means the department of social and health  
24 services.

25 (12) "Designated mental health professional" means a mental health  
26 professional designated by the county or other authority authorized in  
27 rule to perform the duties specified in this chapter.

28 (13) "Emerging best practice" or "promising practice" means a  
29 practice that presents, based on preliminary information, potential for  
30 becoming a research-based or consensus-based practice.

31 (14) "Evidence-based" means a program or practice that has had  
32 multiple site random controlled trials across heterogeneous populations  
33 demonstrating that the program or practice is effective for the  
34 population.

35 (15) "Licensed service provider" means an entity licensed according  
36 to this chapter or chapter 71.05 RCW or an entity deemed to meet state  
37 minimum standards as a result of accreditation by a recognized  
38 behavioral health accrediting body recognized and having a current

1 agreement with the department, that meets state minimum standards or  
2 persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it  
3 applies to registered nurses and advanced registered nurse  
4 practitioners.

5 (16) "Long-term inpatient care" means inpatient services for  
6 persons committed for, or voluntarily receiving intensive treatment  
7 for, periods of ninety days or greater under chapter 71.05 RCW. "Long-  
8 term inpatient care" as used in this chapter does not include: (a)  
9 Services for individuals committed under chapter 71.05 RCW who are  
10 receiving services pursuant to a conditional release or a court-ordered  
11 less restrictive alternative to detention; or (b) services for  
12 individuals voluntarily receiving less restrictive alternative  
13 treatment on the grounds of the state hospital.

14 (17) "Mental health services" means all services provided by  
15 regional support networks and other services provided by the state for  
16 persons who are mentally ill.

17 (18) "Mentally ill persons," "persons who are mentally ill," and  
18 "the mentally ill" mean persons and conditions defined in subsections  
19 (1), (4), (27), and (28) of this section.

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

22 (20) "Regional support network" means a county authority or group  
23 of county authorities or other ((nonprofit)) entity recognized by the  
24 secretary in contract in a defined region.

25 (21) "Registration records" include all the records of the  
26 department, regional support networks, treatment facilities, and other  
27 persons providing services to the department, county departments, or  
28 facilities which identify persons who are receiving or who at any time  
29 have received services for mental illness.

30 (22) "Research-based" means a program or practice that has some  
31 research demonstrating effectiveness, but that does not yet meet the  
32 standard of evidence-based practices.

33 (23) "Residential services" means a complete range of residences  
34 and supports authorized by resource management services and which may  
35 involve a facility, a distinct part thereof, or services which support  
36 community living, for persons who are acutely mentally ill, adults who  
37 are chronically mentally ill, children who are severely emotionally  
38 disturbed, or adults who are seriously disturbed and determined by the

1 regional support network to be at risk of becoming acutely or  
2 chronically mentally ill. The services shall include at least  
3 evaluation and treatment services as defined in chapter 71.05 RCW,  
4 acute crisis respite care, long-term adaptive and rehabilitative care,  
5 and supervised and supported living services, and shall also include  
6 any residential services developed to service persons who are mentally  
7 ill in nursing homes, boarding homes, and adult family homes, and may  
8 include outpatient services provided as an element in a package of  
9 services in a supported housing model. Residential services for  
10 children in out-of-home placements related to their mental disorder  
11 shall not include the costs of food and shelter, except for children's  
12 long-term residential facilities existing prior to January 1, 1991.

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

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

32 (26) "Secretary" means the secretary of social and health services.

33 (27) "Seriously disturbed person" means a person who:

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

37 (b) Has been on conditional release status, or under a less

1 restrictive alternative order, at some time during the preceding two  
2 years from an evaluation and treatment facility or a state mental  
3 health hospital;

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

6 (d) Exhibits suicidal preoccupation or attempts; or

7 (e) Is a child diagnosed by a mental health professional, as  
8 defined in chapter 71.34 RCW, as experiencing a mental disorder which  
9 is clearly interfering with the child's functioning in family or school  
10 or with peers or is clearly interfering with the child's personality  
11 development and learning.

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

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

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

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

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

27 (i) Chronic family dysfunction involving a caretaker who is  
28 mentally ill or inadequate;

29 (ii) Changes in custodial adult;

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

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

35 (v) Drug or alcohol abuse; or

36 (vi) Homelessness.

37 (29) "State minimum standards" means minimum requirements  
38 established by rules adopted by the secretary and necessary to

1 implement this chapter for: (a) Delivery of mental health services;  
2 (b) licensed service providers for the provision of mental health  
3 services; (c) residential services; and (d) community support services  
4 and resource management services.

5 (30) "Treatment records" include registration and all other records  
6 concerning persons who are receiving or who at any time have received  
7 services for mental illness, which are maintained by the department, by  
8 regional support networks and their staffs, and by treatment  
9 facilities. Treatment records do not include notes or records  
10 maintained for personal use by a person providing treatment services  
11 for the department, regional support networks, or a treatment facility  
12 if the notes or records are not available to others.

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

18 **Sec. 3.** RCW 71.24.035 and 2007 c 414 s 2, 2007 c 410 s 8, and 2007  
19 c 375 s 12 are each reenacted and amended to read as follows:

20 (1) The department is designated as the state mental health  
21 authority.

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

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

30 (4) The secretary shall be designated as the regional support  
31 network if the regional support network fails to meet state minimum  
32 standards or refuses to exercise responsibilities under RCW 71.24.045,  
33 until such time as a new regional support network is designated under  
34 RCW 71.24.320.

35 (5) The secretary shall:

36 (a) Develop a biennial state mental health program that  
37 incorporates regional biennial needs assessments and regional mental

1 health service plans and state services for adults and children with  
2 mental illness. The secretary shall also develop a six-year state  
3 mental health plan;

4 (b) Assure that any regional or county community mental health  
5 program provides access to treatment for the region's residents,  
6 including parents who are defendants in dependency cases, in the  
7 following order of priority: (i) Persons with acute mental illness;  
8 (ii) adults with chronic mental illness and children who are severely  
9 emotionally disturbed; and (iii) persons who are seriously disturbed.  
10 Such programs shall provide:

11 (A) Outpatient services;

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

13 (C) Day treatment for persons with mental illness which includes  
14 training in basic living and social skills, supported work, vocational  
15 rehabilitation, and day activities. Such services may include  
16 therapeutic treatment. In the case of a child, day treatment includes  
17 age-appropriate basic living and social skills, educational and  
18 prevocational services, day activities, and therapeutic treatment;

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

21 (E) Employment services, which may include supported employment,  
22 transitional work, placement in competitive employment, and other work-  
23 related services, that result in persons with mental illness becoming  
24 engaged in meaningful and gainful full or part-time work. Other  
25 sources of funding such as the division of vocational rehabilitation  
26 may be utilized by the secretary to maximize federal funding and  
27 provide for integration of services;

28 (F) Consultation and education services; and

29 (G) Community support services;

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

33 (i) Licensed service providers. These rules shall permit a county-  
34 operated mental health program to be licensed as a service provider  
35 subject to compliance with applicable statutes and rules. The  
36 secretary shall provide for deeming of compliance with state minimum  
37 standards for those entities accredited by recognized behavioral health



1 accrediting bodies recognized and having a current agreement with the  
2 department;

3 (ii) Regional support networks; and

4 (iii) Inpatient services, evaluation and treatment services and  
5 facilities under chapter 71.05 RCW, resource management services, and  
6 community support services;

7 (d) Assure that the special needs of persons who are minorities,  
8 elderly, disabled, children, low-income, and parents who are defendants  
9 in dependency cases are met within the priorities established in this  
10 section;

11 (e) Establish a standard contract or contracts, consistent with  
12 state minimum standards (~~(and)~~), RCW 71.24.320(~~(7)~~) and 71.24.330(~~(7~~  
13 ~~and 71.24.3201)~~), which shall be used in contracting with regional  
14 support networks. The standard contract shall include a maximum fund  
15 balance, which shall be consistent with that required by federal  
16 regulations or waiver stipulations;

17 (f) Establish, to the extent possible, a standardized auditing  
18 procedure which minimizes paperwork requirements of regional support  
19 networks and licensed service providers. The audit procedure shall  
20 focus on the outcomes of service and not the processes for  
21 accomplishing them;

22 (g) Develop and maintain an information system to be used by the  
23 state and regional support networks that includes a tracking method  
24 which allows the department and regional support networks to identify  
25 mental health clients' participation in any mental health service or  
26 public program on an immediate basis. The information system shall not  
27 include individual patient's case history files. Confidentiality of  
28 client information and records shall be maintained as provided in this  
29 chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

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

31 (i) Certify regional support networks that meet state minimum  
32 standards;

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

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

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

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

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

12 (o) Certify crisis stabilization units that meet state minimum  
13 standards; and

14 (p) Certify clubhouses that meet state minimum standards.

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

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

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

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

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

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

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

17 (13) The standards for certification of crisis stabilization units  
18 shall include standards that:

19 (a) Permit location of the units at a jail facility if the unit is  
20 physically separate from the general population of the jail;

21 (b) Require administration of the unit by mental health  
22 professionals who direct the stabilization and rehabilitation efforts;  
23 and

24 (c) Provide an environment affording security appropriate with the  
25 alleged criminal behavior and necessary to protect the public safety.

26 (14) The standards for certification of a clubhouse shall at a  
27 minimum include:

28 (a) The facilities may be peer-operated and must be  
29 recovery-focused;

30 (b) Members and employees must work together;

31 (c) Members must have the opportunity to participate in all the  
32 work of the clubhouse, including administration, research, intake and  
33 orientation, outreach, hiring, training and evaluation of staff, public  
34 relations, advocacy, and evaluation of clubhouse effectiveness;

35 (d) Members and staff and ultimately the clubhouse director must be  
36 responsible for the operation of the clubhouse, central to this  
37 responsibility is the engagement of members and staff in all aspects of  
38 clubhouse operations;

1 (e) Clubhouse programs must be comprised of structured activities  
2 including but not limited to social skills training, vocational  
3 rehabilitation, employment training and job placement, and community  
4 resource development;

5 (f) Clubhouse programs must provide in-house educational programs  
6 that significantly utilize the teaching and tutoring skills of members  
7 and assist members by helping them to take advantage of adult education  
8 opportunities in the community;

9 (g) Clubhouse programs must focus on strengths, talents, and  
10 abilities of its members;

11 (h) The work-ordered day may not include medication clinics, day  
12 treatment, or other therapy programs within the clubhouse.

13 (15) The department shall distribute appropriated state and federal  
14 funds in accordance with any priorities, terms, or conditions specified  
15 in the appropriations act.

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

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

27 (17) The secretary shall:

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

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

37 (c) Notify regional support networks of their allocation of

1 available resources at least sixty days prior to the start of a new  
2 biennial contract period.

3 (d) Deny all or part of the funding allocations to regional support  
4 networks based solely upon formal findings of noncompliance with the  
5 terms of the regional support network's contract with the department.  
6 Regional support networks disputing the decision of the secretary to  
7 withhold funding allocations are limited to the remedies provided in  
8 the department's contracts with the regional support networks.

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

16 **Sec. 4.** RCW 71.24.300 and 2006 c 333 s 106 are each amended to  
17 read as follows:

18 (1) Upon the request of a tribal authority or authorities within a  
19 regional support network the joint operating agreement or the county  
20 authority shall allow for the inclusion of the tribal authority to be  
21 represented as a party to the regional support network.

22 (2) The roles and responsibilities of the county and tribal  
23 authorities shall be determined by the terms of that agreement  
24 including a determination of membership on the governing board and  
25 advisory committees, the number of tribal representatives to be party  
26 to the agreement, and the provisions of law and shall assure the  
27 provision of culturally competent services to the tribes served.

28 (3) The state mental health authority may not determine the roles  
29 and responsibilities of county authorities as to each other under  
30 regional support networks by rule, except to assure that all duties  
31 required of regional support networks are assigned and that counties  
32 and the regional support network do not duplicate functions and that a  
33 single authority has final responsibility for all available resources  
34 and performance under the regional support network's contract with the  
35 secretary.

36 (4) If a regional support network is a private ((nonprofit))

1 entity, the department shall allow for the inclusion of the tribal  
2 authority to be represented as a party to the regional support network.

3 (5) The roles and responsibilities of the private (~~nonprofit~~)  
4 entity and the tribal authorities shall be determined by the  
5 department, through negotiation with the tribal authority.

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

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

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

16 (c) Provide within the boundaries of each regional support network  
17 evaluation and treatment services for at least ninety percent of  
18 persons detained or committed for periods up to seventeen days  
19 according to chapter 71.05 RCW. Regional support networks may contract  
20 to purchase evaluation and treatment services from other networks if  
21 they are unable to provide for appropriate resources within their  
22 boundaries. Insofar as the original intent of serving persons in the  
23 community is maintained, the secretary is authorized to approve  
24 exceptions on a case-by-case basis to the requirement to provide  
25 evaluation and treatment services within the boundaries of each  
26 regional support network. Such exceptions are limited to:

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

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

30 (d) Administer and provide for the availability of all other mental  
31 health services, which shall include patient counseling, day treatment,  
32 consultation, education services, employment services as defined in RCW  
33 71.24.035, and mental health services to children.

34 (e) Establish standards and procedures for reviewing individual  
35 service plans and determining when that person may be discharged from  
36 resource management services.

37 (7) A regional support network may request that any state-owned  
38 land, building, facility, or other capital asset which was ever

1 purchased, deeded, given, or placed in trust for the care of the  
2 (~~mentally ill~~) persons with mental illness and which is within the  
3 boundaries of a regional support network be made available to support  
4 the operations of the regional support network. State agencies  
5 managing such capital assets shall give first priority to requests for  
6 their use pursuant to this chapter.

7 (8) Each regional support network shall appoint a mental health  
8 advisory board which shall review and provide comments on plans and  
9 policies developed under this chapter, provide local oversight  
10 regarding the activities of the regional support network, and work with  
11 the regional support network to resolve significant concerns regarding  
12 service delivery and outcomes. The department shall establish  
13 statewide procedures for the operation of regional advisory committees  
14 including mechanisms for advisory board feedback to the department  
15 regarding regional support network performance. The composition of the  
16 board shall be broadly representative of the demographic character of  
17 the region and shall include, but not be limited to, representatives of  
18 consumers and families, law enforcement, and where the county is not  
19 the regional support network, county elected officials. Composition  
20 and length of terms of board members may differ between regional  
21 support networks but shall be included in each regional support  
22 network's contract and approved by the secretary.

23 (9) Regional support networks shall assume all duties specified in  
24 their plans and joint operating agreements through biennial contractual  
25 agreements with the secretary.

26 (10) Regional support networks may receive technical assistance  
27 from the housing trust fund and may identify and submit projects for  
28 housing and housing support services to the housing trust fund  
29 established under chapter 43.185 RCW. Projects identified or submitted  
30 under this subsection must be fully integrated with the regional  
31 support network six-year operating and capital plan, timeline, and  
32 budget required by subsection (6) of this section.

33 **Sec. 5.** RCW 71.24.320 and 2006 c 333 s 202 are each amended to  
34 read as follows:

35 (1) (~~The secretary shall initiate a procurement process for~~  
36 ~~regional support networks in 2005. In the first step of the~~  
37 ~~procurement process, existing regional support networks may respond to~~

1 a request for qualifications developed by the department. The  
2 secretary shall issue the request for qualifications not later than  
3 October 1, 2005. The request for qualifications shall be based on  
4 cost-effectiveness, adequate residential and service capabilities,  
5 effective collaboration with criminal justice agencies and the chemical  
6 dependency treatment system, and the ability to provide the full array  
7 of services as stated in the mental health state plan, and shall meet  
8 all applicable federal and state regulations and standards. An  
9 existing regional support network shall be awarded the contract with  
10 the department if it substantially meets the requirements of the  
11 request for qualifications developed by the department.

12 (2)(a)) If an existing regional support network chooses not to  
13 respond to ((the)) a request for qualifications, or is unable to  
14 substantially meet the requirements of ((the)) a request for  
15 qualifications, or notifies the department of social and health  
16 services it will no longer serve as a regional support network, the  
17 department shall utilize a procurement process in which other entities  
18 recognized by the secretary may bid to serve as the regional support  
19 network ((in that region. The procurement process shall begin with a  
20 request for proposals issued March 1, 2006)).

21 ((i)) (a) The request for proposal shall include a scoring factor  
22 for proposals that include additional financial resources beyond that  
23 provided by state appropriation or allocation.

24 ((ii) Regional support networks that substantially met the  
25 requirements of the request for qualifications may bid to serve as the  
26 regional support network for other regions of the state that are  
27 subject to the request for proposal process. The proposal shall be  
28 evaluated on whether the bid meets the threshold requirement for the  
29 new region and shall not subject the regional support networks'  
30 original region to the request for proposal.

31 (b) Prior to final evaluation and scoring of the proposals all  
32 respondents will be provided with an opportunity for a detailed  
33 briefing by the department regarding the deficiencies in the proposal  
34 and shall be provided an opportunity to clarify information previously  
35 submitted.)

36 (b) The department shall provide detailed briefings to all bidders  
37 in accordance with department and state procurement policies.



1       (c) The request for proposal shall also include a scoring factor  
2 for proposals submitted by nonprofit entities that include a component  
3 to maximize the utilization of state provided resources and the  
4 leverage of other funds for the support of mental health services to  
5 persons with mental illness.

6       (2) A regional support network that voluntarily terminates, refuses  
7 to renew, or refuses to sign a mandatory amendment to its contract to  
8 act as a regional support network is prohibited from responding to a  
9 procurement under this section or serving as a regional support network  
10 for five years from the date that the department signs a contract with  
11 the entity that will serve as the regional support network.

12       **Sec. 6.** RCW 71.24.330 and 2006 c 333 s 203 are each amended to  
13 read as follows:

14       (1) Contracts between a regional support network and the department  
15 shall include mechanisms for monitoring performance under the contract  
16 and remedies for failure to substantially comply with the requirements  
17 of the contract including, but not limited to, financial penalties,  
18 termination of the contract, and reprocurement of the contract.

19       (2) The regional support network procurement processes shall  
20 encourage the preservation of infrastructure previously purchased by  
21 the community mental health service delivery system, the maintenance of  
22 linkages between other services and delivery systems, and maximization  
23 of the use of available funds for services versus profits. However, a  
24 regional support network selected through the procurement process is  
25 not required to contract for services with any county-owned or operated  
26 facility. The regional support network procurement process shall  
27 provide that public funds appropriated by the legislature shall not be  
28 used to promote or deter, encourage, or discourage employees from  
29 exercising their rights under Title 29, chapter 7, subchapter II,  
30 United States Code or chapter 41.56 RCW.

31       (3) In addition to the requirements of RCW 71.24.035, contracts  
32 shall:

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

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

1 (c) Require substantial implementation of department adopted  
2 integrated screening and assessment process and matrix of best  
3 practices;

4 (d) Maintain the decision-making independence of designated mental  
5 health professionals;

6 (e) Except at the discretion of the secretary or as specified in  
7 the biennial budget, require regional support networks to pay the state  
8 for the costs associated with individuals who are being served on the  
9 grounds of the state hospitals and who are not receiving long-term  
10 inpatient care as defined in RCW 71.24.025; (~~and~~)

11 (f) Include a negotiated alternative dispute resolution clause; and

12 (g) Include a provision requiring either party to provide the one  
13 hundred eighty days' advance notice of its intent to voluntarily  
14 terminate, refuse to renew, or refuse to sign a mandatory amendment to  
15 the contract to act as a regional support network.

16 NEW SECTION. Sec. 7. Section 5 of this act applies retroactively  
17 to July 1, 2007."

18 Correct the title.

--- END ---