

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6404

60th Legislature
2008 Regular Session

Passed by the Senate March 12, 2008
YEAS 46 NAYS 0

President of the Senate

Passed by the House March 11, 2008
YEAS 89 NAYS 6

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6404** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6404

AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Hargrove and Pridemore; by request of Department of Social and Health Services)

READ FIRST TIME 02/08/08.

1 AN ACT Relating to community-based behavioral health services;
2 amending RCW 71.24.025, 71.24.300, 71.24.320, and 71.24.330; reenacting
3 and amending RCW 71.24.035; adding a new section to chapter 71.24 RCW;
4 and creating a new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 71.24 RCW
7 to read as follows:

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

1 social and health services to partner with political subdivisions and
2 other entities to provide quality, coordinated, and integrated services
3 to address the needs of individuals with behavioral health needs.

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

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

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

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

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

15 (c) Presenting a likelihood of serious harm as defined in RCW
16 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

17 (2) "Available resources" means funds appropriated for the purpose
18 of providing community mental health programs, federal funds, except
19 those provided according to Title XIX of the Social Security Act, and
20 state funds appropriated under this chapter or chapter 71.05 RCW by the
21 legislature during any biennium for the purpose of providing
22 residential services, resource management services, community support
23 services, and other mental health services. This does not include
24 funds appropriated for the purpose of operating and administering the
25 state psychiatric hospitals.

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

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

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

32 (b) Has experienced a continuous psychiatric hospitalization or
33 residential treatment exceeding six months' duration within the
34 preceding year; or

35 (c) Has been unable to engage in any substantial gainful activity
36 by reason of any mental disorder which has lasted for a continuous

1 period of not less than twelve months. "Substantial gainful activity"
2 shall be defined by the department by rule consistent with Public Law
3 92-603, as amended.

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

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

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

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

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

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

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

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

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

9 (14) "Evidence-based" means a program or practice that has had
10 multiple site random controlled trials across heterogeneous populations
11 demonstrating that the program or practice is effective for the
12 population.

13 (15) "Licensed service provider" means an entity licensed according
14 to this chapter or chapter 71.05 RCW or an entity deemed to meet state
15 minimum standards as a result of accreditation by a recognized
16 behavioral health accrediting body recognized and having a current
17 agreement with the department, that meets state minimum standards or
18 persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it
19 applies to registered nurses and advanced registered nurse
20 practitioners.

21 (16) "Long-term inpatient care" means inpatient services for
22 persons committed for, or voluntarily receiving intensive treatment
23 for, periods of ninety days or greater under chapter 71.05 RCW. "Long-
24 term inpatient care" as used in this chapter does not include: (a)
25 Services for individuals committed under chapter 71.05 RCW who are
26 receiving services pursuant to a conditional release or a court-ordered
27 less restrictive alternative to detention; or (b) services for
28 individuals voluntarily receiving less restrictive alternative
29 treatment on the grounds of the state hospital.

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

33 (18) "Mentally ill persons," "persons who are mentally ill," and
34 "the mentally ill" mean persons and conditions defined in subsections
35 (1), (4), (27), and (28) of this section.

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

1 (20) "Regional support network" means a county authority or group
2 of county authorities or other (~~nonprofit~~) entity recognized by the
3 secretary in contract in a defined region.

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

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

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

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

33 (25) "Resource management services" mean the planning,
34 coordination, and authorization of residential services and community
35 support services administered pursuant to an individual service plan
36 for: (a) Adults and children who are acutely mentally ill; (b) adults
37 who are chronically mentally ill; (c) children who are severely
38 emotionally disturbed; or (d) adults who are seriously disturbed and

1 determined solely by a regional support network to be at risk of
2 becoming acutely or chronically mentally ill. Such planning,
3 coordination, and authorization shall include mental health screening
4 for children eligible under the federal Title XIX early and periodic
5 screening, diagnosis, and treatment program. Resource management
6 services include seven day a week, twenty-four hour a day availability
7 of information regarding enrollment of adults and children who are
8 mentally ill in services and their individual service plan to
9 designated mental health professionals, evaluation and treatment
10 facilities, and others as determined by the regional support network.

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

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

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

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

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

22 (d) Exhibits suicidal preoccupation or attempts; or

23 (e) Is a child diagnosed by a mental health professional, as
24 defined in chapter 71.34 RCW, as experiencing a mental disorder which
25 is clearly interfering with the child's functioning in family or school
26 or with peers or is clearly interfering with the child's personality
27 development and learning.

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

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

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

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

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

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

7 (ii) Changes in custodial adult;

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

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

13 (v) Drug or alcohol abuse; or

14 (vi) Homelessness.

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

21 (30) "Treatment records" include registration and all other records
22 concerning persons who are receiving or who at any time have received
23 services for mental illness, which are maintained by the department, by
24 regional support networks and their staffs, and by treatment
25 facilities. Treatment records do not include notes or records
26 maintained for personal use by a person providing treatment services
27 for the department, regional support networks, or a treatment facility
28 if the notes or records are not available to others.

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

34 **Sec. 3.** RCW 71.24.035 and 2007 c 414 s 2, 2007 c 410 s 8, and 2007
35 c 375 s 12 are 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 until such time as a new regional support network is designated under
13 RCW 71.24.320.

14 (5) The secretary shall:

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

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

27 (A) Outpatient services;

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

29 (C) Day treatment for persons with mental illness which includes
30 training in basic living and social skills, supported work, vocational
31 rehabilitation, and day activities. Such services may include
32 therapeutic treatment. In the case of a child, day treatment includes
33 age-appropriate basic living and social skills, educational and
34 prevocational services, day activities, and therapeutic treatment;

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

37 (E) Employment services, which may include supported employment,
38 transitional work, placement in competitive employment, and other work-

1 related services, that result in persons with mental illness becoming
2 engaged in meaningful and gainful full or part-time work. Other
3 sources of funding such as the division of vocational rehabilitation
4 may be utilized by the secretary to maximize federal funding and
5 provide for integration of services;

6 (F) Consultation and education services; and

7 (G) Community support services;

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

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

18 (ii) Regional support networks; and

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

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

26 (e) Establish a standard contract or contracts, consistent with
27 state minimum standards (~~and~~), RCW 71.24.320(~~7~~) and 71.24.330(~~7~~
28 ~~and 71.24.3201~~)), which shall be used in contracting with regional
29 support networks. The standard contract shall include a maximum fund
30 balance, which shall be consistent with that required by federal
31 regulations or waiver stipulations;

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

37 (g) Develop and maintain an information system to be used by the
38 state and regional support networks that includes a tracking method

1 which allows the department and regional support networks to identify
2 mental health clients' participation in any mental health service or
3 public program on an immediate basis. The information system shall not
4 include individual patient's case history files. Confidentiality of
5 client information and records shall be maintained as provided in this
6 chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

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

8 (i) Certify regional support networks that meet state minimum
9 standards;

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

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

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

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

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

26 (o) Certify crisis stabilization units that meet state minimum
27 standards; and

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

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

33 (7) Each certified regional support network and licensed service
34 provider shall file with the secretary, on request, such data,
35 statistics, schedules, and information as the secretary reasonably
36 requires. A certified regional support network or licensed service
37 provider which, without good cause, fails to furnish any data,

1 statistics, schedules, or information as requested, or files fraudulent
2 reports thereof, may have its certification or license revoked or
3 suspended.

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

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

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

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

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

31 (13) The standards for certification of crisis stabilization units
32 shall include standards that:

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

35 (b) Require administration of the unit by mental health
36 professionals who direct the stabilization and rehabilitation efforts;
37 and

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

3 (14) The standards for certification of a clubhouse shall at a
4 minimum include:

5 (a) The facilities may be peer-operated and must be
6 recovery-focused;

7 (b) Members and employees must work together;

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

12 (d) Members and staff and ultimately the clubhouse director must be
13 responsible for the operation of the clubhouse, central to this
14 responsibility is the engagement of members and staff in all aspects of
15 clubhouse operations;

16 (e) Clubhouse programs must be comprised of structured activities
17 including but not limited to social skills training, vocational
18 rehabilitation, employment training and job placement, and community
19 resource development;

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

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

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

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

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

36 The regional support networks, or the secretary's assumption of all
37 responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be
38 included in all state and federal plans affecting the state mental

1 health program including at least those required by this chapter, the
2 medicaid program, and P.L. 99-660. Nothing in these plans shall be
3 inconsistent with the intent and requirements of this chapter.

4 (17) The secretary shall:

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

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

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

17 (d) Deny all or part of the funding allocations to regional support
18 networks based solely upon formal findings of noncompliance with the
19 terms of the regional support network's contract with the department.
20 Regional support networks disputing the decision of the secretary to
21 withhold funding allocations are limited to the remedies provided in
22 the department's contracts with the regional support networks.

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

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

32 (1) Upon the request of a tribal authority or authorities within a
33 regional support network the joint operating agreement or the county
34 authority shall allow for the inclusion of the tribal authority to be
35 represented as a party to the regional support network.

36 (2) The roles and responsibilities of the county and tribal
37 authorities shall be determined by the terms of that agreement

1 including a determination of membership on the governing board and
2 advisory committees, the number of tribal representatives to be party
3 to the agreement, and the provisions of law and shall assure the
4 provision of culturally competent services to the tribes served.

5 (3) The state mental health authority may not determine the roles
6 and responsibilities of county authorities as to each other under
7 regional support networks by rule, except to assure that all duties
8 required of regional support networks are assigned and that counties
9 and the regional support network do not duplicate functions and that a
10 single authority has final responsibility for all available resources
11 and performance under the regional support network's contract with the
12 secretary.

13 (4) If a regional support network is a private (~~nonprofit~~)
14 entity, the department shall allow for the inclusion of the tribal
15 authority to be represented as a party to the regional support network.

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

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

23 (a) Administer and provide for the availability of all resource
24 management services, residential services, and community support
25 services.

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

29 (c) Provide within the boundaries of each regional support network
30 evaluation and treatment services for at least ninety percent of
31 persons detained or committed for periods up to seventeen days
32 according to chapter 71.05 RCW. Regional support networks may contract
33 to purchase evaluation and treatment services from other networks if
34 they are unable to provide for appropriate resources within their
35 boundaries. Insofar as the original intent of serving persons in the
36 community is maintained, the secretary is authorized to approve
37 exceptions on a case-by-case basis to the requirement to provide

1 evaluation and treatment services within the boundaries of each
2 regional support network. Such exceptions are limited to:

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

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

6 (d) Administer and provide for the availability of all other mental
7 health services, which shall include patient counseling, day treatment,
8 consultation, education services, employment services as defined in RCW
9 71.24.035, and mental health services to children.

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

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

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

37 (9) Regional support networks shall assume all duties specified in

1 their plans and joint operating agreements through biennial contractual
2 agreements with the secretary.

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

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

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

26 ~~(2)(a))~~ If an existing regional support network chooses not to
27 respond to ~~((the))~~ a request for qualifications, or is unable to
28 substantially meet the requirements of ~~((the))~~ a request for
29 qualifications, or notifies the department of social and health
30 services it will no longer serve as a regional support network, the
31 department shall utilize a procurement process in which other entities
32 recognized by the secretary may bid to serve as the regional support
33 network ~~((in that region. The procurement process shall begin with a
34 request for proposals issued March 1, 2006))~~.

35 ~~((i))~~ (a) The request for proposal shall include a scoring factor
36 for proposals that include additional financial resources beyond that
37 provided by state appropriation or allocation.

1 ~~((ii) Regional support networks that substantially met the~~
2 ~~requirements of the request for qualifications may bid to serve as the~~
3 ~~regional support network for other regions of the state that are~~
4 ~~subject to the request for proposal process. The proposal shall be~~
5 ~~evaluated on whether the bid meets the threshold requirement for the~~
6 ~~new region and shall not subject the regional support networks'~~
7 ~~original region to the request for proposal.~~

8 ~~(b) Prior to final evaluation and scoring of the proposals all~~
9 ~~respondents will be provided with an opportunity for a detailed~~
10 ~~briefing by the department regarding the deficiencies in the proposal~~
11 ~~and shall be provided an opportunity to clarify information previously~~
12 ~~submitted.))~~

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

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

20 (2) A regional support network that voluntarily terminates, refuses
21 to renew, or refuses to sign a mandatory amendment to its contract to
22 act as a regional support network is prohibited from responding to a
23 procurement under this section or serving as a regional support network
24 for five years from the date that the department signs a contract with
25 the entity that will serve as the regional support network.

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

28 (1) Contracts between a regional support network and the department
29 shall include mechanisms for monitoring performance under the contract
30 and remedies for failure to substantially comply with the requirements
31 of the contract including, but not limited to, financial penalties,
32 termination of the contract, and reprocurement of the contract.

33 (2) The regional support network procurement processes shall
34 encourage the preservation of infrastructure previously purchased by
35 the community mental health service delivery system, the maintenance of
36 linkages between other services and delivery systems, and maximization
37 of the use of available funds for services versus profits. However, a

1 regional support network selected through the procurement process is
2 not required to contract for services with any county-owned or operated
3 facility. The regional support network procurement process shall
4 provide that public funds appropriated by the legislature shall not be
5 used to promote or deter, encourage, or discourage employees from
6 exercising their rights under Title 29, chapter 7, subchapter II,
7 United States Code or chapter 41.56 RCW.

8 (3) In addition to the requirements of RCW 71.24.035, contracts
9 shall:

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

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

15 (c) Require substantial implementation of department adopted
16 integrated screening and assessment process and matrix of best
17 practices;

18 (d) Maintain the decision-making independence of designated mental
19 health professionals;

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

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

26 (g) Include a provision requiring either party to provide one
27 hundred eighty days' notice of any issue that may cause either party to
28 voluntarily terminate, refuse to renew, or refuse to sign a mandatory
29 amendment to the contract to act as a regional support network. If
30 either party decides to voluntarily terminate, refuse to renew, or
31 refuse to sign a mandatory amendment to the contract to serve as a
32 regional support network they shall provide ninety days' advance notice
33 in writing to the other party.

34 NEW SECTION. Sec. 7. Section 5 of this act applies retroactively
35 to July 1, 2007.

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