
HOUSE BILL 1373

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By Representatives Dickerson, Kagi, Green, Cody, Darneille, Dunshee, Roberts, Goodman, Appleton, Kenney, Orwall, Hurst, Moeller, Takko, Chase, Rolfes, Carlyle, Simpson, Nelson, Conway, and Ormsby

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1 AN ACT Relating to equitable access to appropriate and effective
2 children's mental health services; amending RCW 71.24.025, 71.24.055,
3 and 74.09.521; reenacting and amending RCW 71.24.035; and making
4 appropriations.

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

6 **Sec. 1.** RCW 71.24.025 and 2008 c 261 s 2 are each amended to read
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

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

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

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

17 (c) Presenting a likelihood of serious harm as defined in RCW
18 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (11) "Department" means the department of social and health
22 services.

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

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

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

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

1 persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it
2 applies to registered nurses and advanced registered nurse
3 practitioners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (b) Has been on conditional release status, or under a less
37 restrictive alternative order, at some time during the preceding two

1 years from an evaluation and treatment facility or a state mental
2 health hospital;

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

5 (d) Exhibits suicidal preoccupation or attempts; or

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

11 (28) "Severely emotionally disturbed child" or "child who is
12 severely emotionally disturbed" means a child who has been determined
13 by the regional support network to be experiencing a mental disorder as
14 defined in chapter 71.34 RCW, including those mental disorders that
15 result in a behavioral or conduct disorder, that is clearly and
16 substantially interfering with the child's functioning in family, or
17 school or community, or with peers (~~(and who meets at least one of the~~
18 ~~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. 2.** RCW 71.24.035 and 2008 c 267 s 5 and 2008 c 261 s 3 are
19 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 respondents 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
9 respondents in dependency cases are met within the priorities
10 established in this section.

11 (i) To ensure that the special needs of children are met within the
12 priorities established in this section, the secretary shall include a
13 provision in its standard regional support network biennial contract
14 that establishes minimum thresholds for children served by each
15 regional support network, as a percentage of both the persons served by
16 the regional support network and regional support network outpatient
17 service hours provided. The minimum thresholds shall be as follows:

18 (A) For the biennium beginning July 1, 2009, at least thirty
19 percent of the persons served by each regional support network must be
20 children, and at least twenty-five percent of outpatient service hours
21 provided must be provided to children. This minimum threshold must be
22 met by each regional support network on or before July 1, 2010.

23 (B) For the biennium beginning July 1, 2011, at least thirty-six
24 percent of the persons served by each regional support network must be
25 children, and at least thirty-six percent of outpatient service hours
26 provided must be provided to children. This minimum threshold must be
27 met by each regional support network on or before July 1, 2012.

28 (ii) The contract also must set minimum standards for regional
29 support network collaboration with the department of social and health
30 services children's administration, division of juvenile
31 rehabilitation, and division of alcohol and substance abuse, and with
32 local school districts and juvenile courts to ensure coordinated and
33 effective purchase and delivery of evidence-based services to children
34 who are in need of services from multiple child-serving systems;

35 (e) Establish a standard contract or contracts, consistent with
36 state minimum standards, RCW 71.24.320 and 71.24.330, which shall be
37 used in contracting with regional support networks. The standard

1 contract shall include a maximum fund balance, which shall be
2 consistent with that required by federal regulations or waiver
3 stipulations;

4 (f) Establish, to the extent possible, a standardized auditing
5 procedure which minimizes paperwork requirements of regional support
6 networks and licensed service providers. The audit procedure shall
7 focus on the outcomes of service and not the processes for
8 accomplishing them;

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

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

18 (i) Certify regional support networks that meet state minimum
19 standards;

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

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

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

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

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

36 (o) Certify crisis stabilization units that meet state minimum
37 standards; and

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

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

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

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

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

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

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

35 (12) The standards for certification of evaluation and treatment
36 facilities shall include standards relating to maintenance of good
37 physical and mental health and other services to be afforded persons

1 pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall
2 otherwise assure the effectuation of the purposes of these chapters.

3 (13) The standards for certification of crisis stabilization units
4 shall include standards that:

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

7 (b) Require administration of the unit by mental health
8 professionals who direct the stabilization and rehabilitation efforts;
9 and

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

12 (14) The standards for certification of a clubhouse shall at a
13 minimum include:

14 (a) The facilities may be peer-operated and must be
15 recovery-focused;

16 (b) Members and employees must work together;

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

21 (d) Members and staff and ultimately the clubhouse director must be
22 responsible for the operation of the clubhouse, central to this
23 responsibility is the engagement of members and staff in all aspects of
24 clubhouse operations;

25 (e) Clubhouse programs must be comprised of structured activities
26 including but not limited to social skills training, vocational
27 rehabilitation, employment training and job placement, and community
28 resource development;

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

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

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

37 (15) The department shall distribute appropriated state and federal

1 funds in accordance with any priorities, terms, or conditions specified
2 in the appropriations act.

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

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

14 (17) The secretary shall:

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

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

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

27 (d) Deny all or part of the funding allocations to regional support
28 networks based solely upon formal findings of noncompliance with the
29 terms of the regional support network's contract with the department.
30 Regional support networks disputing the decision of the secretary to
31 withhold funding allocations are limited to the remedies provided in
32 the department's contracts with the regional support networks.

33 (18) The department, in cooperation with the state congressional
34 delegation, shall actively seek waivers of federal requirements and
35 such modifications of federal regulations as are necessary to allow
36 federal medicaid reimbursement for services provided by free-standing
37 evaluation and treatment facilities certified under chapter 71.05 RCW.

1 The department shall periodically report its efforts to the appropriate
2 committees of the senate and the house of representatives.

3 **Sec. 3.** RCW 71.24.055 and 2007 c 359 s 4 are each amended to read
4 as follows:

5 ~~((As part of the system transformation initiative,))~~ The department
6 of social and health services, in consultation with the children's
7 mental health evidence-based practice institute established under RCW
8 71.24.061, shall undertake the following activities related
9 specifically to children's mental health services:

10 (1) ~~((The development of recommended revisions to the access to~~
11 ~~care standards for children. The recommended revisions shall reflect~~
12 ~~the policies and principles set out in RCW 71.36.005, 71.36.010, and~~
13 ~~71.36.025, and recognize that early identification, intervention and~~
14 ~~prevention services, and brief intervention services may be provided~~
15 ~~outside of the regional support network system. Revised access to care~~
16 ~~standards shall assess a child's need for mental health services based~~
17 ~~upon the child's diagnosis and its negative impact upon his or her~~
18 ~~persistent impaired functioning in family, school, or the community,~~
19 ~~and should not solely condition the receipt of services upon a~~
20 ~~determination that a child is engaged in high risk behavior or is in~~
21 ~~imminent need of hospitalization or out-of-home placement. Assessment~~
22 ~~and diagnosis for children under five years of age shall be determined~~
23 ~~using a nationally accepted assessment tool designed specifically for~~
24 ~~children of that age. The recommendations shall also address whether~~
25 ~~amendments to RCW 71.24.025 (26) and (27) and 71.24.035(5) are~~
26 ~~necessary to implement revised access to care standards;))~~ Revisions to
27 the regional support network access to care standards for children.

28 (a) The revisions shall reflect the definition of severely
29 emotionally disturbed child in RCW 71.24.025, and the policies and
30 principles set forth in RCW 71.36.005, 71.36.010, and 71.36.035;

31 (b) For children under five years of age, a nationally accepted
32 assessment tool must be used for assessment and diagnosis. The tool
33 must be specifically designed for children of that age, such as the
34 diagnostic classification of mental health and development disorders of
35 infancy and early childhood, revised;

36 (c) The access to care standards for children under five years of
37 age must:

1 (i) Accommodate the features of the assessment tool adopted under
2 subsection (1)(b) of this section that are specific to infants,
3 toddlers, and young children, recognizing that behaviors that are
4 assessed and demonstrated in such young children may differ
5 significantly from those assessed and demonstrated in school-age
6 children; and

7 (ii) Acknowledge the critical importance of the parent-child dyad,
8 both with respect to the impact of a parent's emotional difficulties,
9 such as postpartum or maternal depression or substance abuse, upon a
10 young child and the need to jointly treat both the parent and the young
11 child in order to effectively treat the child;

12 (d) The revised access to care standards must be fully implemented
13 by July 1, 2011, based upon an orderly phase-in schedule developed in
14 consultation with regional support networks, mental health service
15 providers, consumers, and other interested stakeholders. The first
16 phase of revisions must address modifications related to children under
17 five years of age, and be implemented on or before July 1, 2010. The
18 department shall submit the phase-in schedule to the governor and the
19 legislature by September 15, 2009; and

20 (2) Development of a revised children's mental health benefit
21 package. The department shall ensure that services included in the
22 children's mental health benefit package reflect the policies and
23 principles included in RCW 71.36.005 and 71.36.025, to the extent
24 allowable under medicaid, Title XIX of the federal social security act.
25 Strong consideration shall be given to developmentally appropriate
26 evidence-based and research-based practices, family-based
27 interventions, the use of natural and peer supports, and community
28 support services. This effort shall include a review of other states'
29 efforts to fund family-centered children's mental health services
30 through their medicaid programs((+

31 ~~(3) Consistent with the timeline developed for the system~~
32 ~~transformation initiative, recommendations for revisions to the~~
33 ~~children's access to care standards and the children's mental health~~
34 ~~services benefits package shall be presented to the legislature by~~
35 ~~January 1, 2009)).~~

36 **Sec. 4.** RCW 74.09.521 and 2007 c 359 s 11 are each amended to read
37 as follows:

1 (~~(1)~~) To the extent that funds are specifically appropriated for
2 this purpose the department shall revise its medicaid healthy options
3 managed care and fee-for-service program standards under medicaid,
4 Title XIX of the federal social security act to improve access to
5 mental health services for children who do not meet the regional
6 support network access to care standards. Effective July 1, 2008, the
7 program standards shall be revised to allow outpatient therapy services
8 to be provided by licensed mental health professionals, as defined in
9 RCW 71.34.020, and up to twenty outpatient therapy hours per calendar
10 year, including family therapy visits integral to a child's treatment.

11 (~~(2) This section expires July 1, 2010.~~) The department and the
12 children's mental health evidence-based practice institute established
13 in RCW 71.24.061 shall collaborate to encourage and incentivize the use
14 of prescribing practices and evidence-based and research-based
15 practices developed under RCW 74.09.480 by mental health professionals
16 serving children under this section.

17 NEW SECTION. **Sec. 5.** (1) The sum of ___ dollars, or as much
18 thereof as may be necessary, is appropriated for the biennium ending
19 June 30, 2011, from the general fund--state appropriation to the
20 department of social and health services. This appropriation is
21 provided solely to continue the activities initiated during the
22 2007-2009 biennium to implement House Bill No. 1088 (2007). These
23 activities include the wraparound services pilot program, expedited
24 medicaid enrollment for youth leaving juvenile rehabilitation
25 institutions and county juvenile detention facilities, psychiatric
26 consultation services for primary care providers, the University of
27 Washington children's mental health evidence-based practice institute,
28 activities to improve prescribing practices for children's mental
29 health medications under the medicaid program, and expanded medicaid
30 children's mental health outpatient benefits.

31 (2) The sum of ___ dollars, or as much thereof as may be necessary,
32 is appropriated for the biennium ending June 30, 2011, from the general
33 fund--federal appropriation to the department of social and health
34 services. This appropriation is provided solely to continue the
35 activities initiated during the 2007-2009 biennium to implement House
36 Bill No. 1088 (2007). These activities include the wraparound services
37 pilot program, expedited medicaid enrollment for youth leaving juvenile

1 rehabilitation institutions and county juvenile detention facilities,
2 psychiatric consultation services for primary care providers, the
3 University of Washington children's mental health evidence-based
4 practice institute, activities to improve prescribing practices for
5 children's mental health medications under the medicaid program, and
6 expanded medicaid children's mental health outpatient benefits.

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