
SENATE BILL 5115

State of Washington

63rd Legislature

2013 Regular Session

By Senator Keiser

Read first time 01/18/13. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the definition of community mental health
2 service delivery system; and amending RCW 71.24.025.

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

4 **Sec. 1.** RCW 71.24.025 and 2012 c 10 s 59 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

1 state funds appropriated under this chapter or chapter 71.05 RCW by the
2 legislature during any biennium for the purpose of providing
3 residential services, resource management services, community support
4 services, and other mental health services. This does not include
5 funds appropriated for the purpose of operating and administering the
6 state psychiatric hospitals.

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

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

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

13 (b) Has experienced a continuous psychiatric hospitalization or
14 residential treatment exceeding six months' duration within the
15 preceding year; or

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

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

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

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

30 (8) "Community support services" means services authorized,
31 planned, and coordinated through resource management services
32 including, at a minimum, assessment, diagnosis, emergency crisis
33 intervention available twenty-four hours, seven days a week,
34 prescreening determinations for persons who are mentally ill being
35 considered for placement in nursing homes as required by federal law,
36 screening for patients being considered for admission to residential
37 services, diagnosis and treatment for children who are acutely mentally
38 ill or severely emotionally disturbed discovered under screening

1 through the federal Title XIX early and periodic screening, diagnosis,
2 and treatment program, investigation, legal, and other nonresidential
3 services under chapter 71.05 RCW, case management services, psychiatric
4 treatment including medication supervision, counseling, psychotherapy,
5 assuring transfer of relevant patient information between service
6 providers, recovery services, and other services determined by regional
7 support networks.

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

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

18 (11) "Department" means the department of social and health
19 services.

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

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

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

30 (15) "Licensed service provider" means an entity licensed according
31 to this chapter or chapter 71.05 RCW or an entity deemed to meet state
32 minimum standards as a result of accreditation by a recognized
33 behavioral health accrediting body recognized and having a current
34 agreement with the department, that meets state minimum standards or
35 persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it
36 applies to registered nurses and advanced registered nurse
37 practitioners.

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

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

13 (18) "Mentally ill persons," "persons who are mentally ill," and
14 "the mentally ill" mean persons and conditions defined in subsections
15 (1), (4), (27), and (28) of this section.

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

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

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

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

29 (23) "Residential services" means a complete range of residences
30 and supports authorized by resource management services and which may
31 involve a facility, a distinct part thereof, or services which support
32 community living, for persons who are acutely mentally ill, adults who
33 are chronically mentally ill, children who are severely emotionally
34 disturbed, or adults who are seriously disturbed and determined by the
35 regional support network to be at risk of becoming acutely or
36 chronically mentally ill. The services shall include at least
37 evaluation and treatment services as defined in chapter 71.05 RCW,
38 acute crisis respite care, long-term adaptive and rehabilitative care,

1 and supervised and supported living services, and shall also include
2 any residential services developed to service persons who are mentally
3 ill in nursing homes, assisted living facilities, and adult family
4 homes, and may include outpatient services provided as an element in a
5 package of services in a supported housing model. Residential services
6 for children in out-of-home placements related to their mental disorder
7 shall not include the costs of food and shelter, except for children's
8 long-term residential facilities existing prior to January 1, 1991.

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

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

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

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

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

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

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

1 (d) Exhibits suicidal preoccupation or attempts; or

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

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

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

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

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

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

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

24 (ii) Changes in custodial adult;

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

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

30 (v) Drug or alcohol abuse; or

31 (vi) Homelessness.

32 (29) "State minimum standards" means minimum requirements
33 established by rules adopted by the secretary and necessary to
34 implement this chapter for: (a) Delivery of mental health services;
35 (b) licensed service providers for the provision of mental health
36 services; (c) residential services; and (d) community support services
37 and resource management services.

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

9 (31) "Tribal authority," for the purposes of this section and RCW
10 71.24.300 only, means: The federally recognized Indian tribes and the
11 major Indian organizations recognized by the secretary insofar as these
12 organizations do not have a financial relationship with any regional
13 support network that would present a conflict of interest.

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