

SSB 6430 - H COMM AMD
By Committee on Appropriations

ADOPTED 03/03/2016

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

3 "NEW SECTION. **Sec. 1.** Persons with mental illness and persons
4 with substance use disorders in the custody of the criminal justice
5 system need seamless access to community treatment networks and
6 medical assistance upon release from custody to prevent gaps in
7 treatment and reduce barriers to accessing care. Access to care is
8 critical to reduce recidivism and reduce costs associated with
9 relapse, decompensation, and crisis care. In accord with the
10 recommendations of the adult behavioral health system task force,
11 persons should be allowed to apply or retain their enrollment in
12 medical assistance during periods of incarceration. The legislature
13 intends for the Washington state health care authority and the
14 department of social and health services to raise awareness of best
15 clinical practices to engage persons with behavioral health disorders
16 and other chronic conditions during periods of incarceration and
17 confinement to highlight opportunities for good preventive care and
18 standardize reporting and payment practices for services reimbursable
19 by federal law that support the safe transition of the person back
20 into the community.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.09
22 RCW to read as follows:

23 The authority is directed to suspend, rather than terminate,
24 medical assistance benefits by July 1, 2017, for persons who are
25 incarcerated or committed to a state hospital. This must include the
26 ability for a person to apply for medical assistance in suspense
27 status during incarceration, and may not depend upon knowledge of the
28 release date of the person. The authority must provide a progress
29 report describing program design and a detailed fiscal estimate to
30 the governor and relevant committees of the legislature by December
31 1, 2016.

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

3 The department and the Washington state health care authority
4 shall publish written guidance and provide trainings to behavioral
5 health organizations, managed care organizations, and behavioral
6 health providers related to how these organizations may provide
7 outreach, assistance, transition planning, and rehabilitation case
8 management reimbursable under federal law to persons who are
9 incarcerated, involuntarily hospitalized, or in the process of
10 transitioning out of one of these services. The guidance and
11 trainings may also highlight preventive activities not reimbursable
12 under federal law which may be cost-effective in a managed care
13 environment. The purpose of this written guidance and trainings is to
14 champion best clinical practices including, where appropriate, use of
15 care coordination and long-acting injectable psychotropic medication,
16 and to assist the health community to leverage federal funds and
17 standardize payment and reporting procedures. The authority and the
18 department shall construe governing laws liberally to effectuate the
19 broad remedial purposes of this act, and provide a status update to
20 the legislature by December 31, 2016.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.09
22 RCW to read as follows:

23 The authority shall collaborate with the department, the
24 Washington state association of counties, the Washington association
25 of sheriffs and police chiefs, and accountable communities of health
26 to improve population health and reduce avoidable use of intensive
27 services and settings by requesting expenditure authority from the
28 federal government to provide behavioral health services to persons
29 who are incarcerated in local jails. The authority in consultation
30 with its partners may narrow its submission to discrete programs or
31 regions of the state as deemed advisable to effectively demonstrate
32 the potential to achieve savings by integrating medical assistance
33 across community and correctional settings.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.09
35 RCW to read as follows:

36 It is the understanding of the legislature that persons
37 participating in a work release program or other partial confinement
38 programs at the state, county, or city level which allow regular

1 freedom during the day to pursue rehabilitative community activities
2 such as participation in work, treatment, or medical care should not
3 be considered "inmates of a public institution" for the purposes of
4 exclusion from medicaid coverage under the social security act. The
5 authority is instructed to obtain any permissions from the federal
6 government necessary to confirm this understanding, and report back
7 to the governor and relevant committees of the legislature.

8 **Sec. 6.** RCW 70.48.100 and 2014 c 225 s 105 are each amended to
9 read as follows:

10 (1) A department of corrections or chief law enforcement officer
11 responsible for the operation of a jail shall maintain a jail
12 register, open to the public, into which shall be entered in a timely
13 basis:

14 (a) The name of each person confined in the jail with the hour,
15 date and cause of the confinement; and

16 (b) The hour, date and manner of each person's discharge.

17 (2) Except as provided in subsection (3) of this section, the
18 records of a person confined in jail shall be held in confidence and
19 shall be made available only to criminal justice agencies as defined
20 in RCW 43.43.705; or

21 (a) For use in inspections made pursuant to RCW 70.48.070;

22 (b) In jail certification proceedings;

23 (c) For use in court proceedings upon the written order of the
24 court in which the proceedings are conducted;

25 (d) To the Washington association of sheriffs and police chiefs;

26 (e) To the Washington institute for public policy, research and
27 data analysis division of the department of social and health
28 services, higher education institutions of Washington state,
29 Washington state health care authority, state auditor's office,
30 caseload forecast council, office of financial management, or the
31 successor entities of these organizations, for the purpose of
32 research in the public interest. Data disclosed for research purposes
33 must comply with relevant state and federal statutes; ((~~or~~))

34 (f) To federal, state, or local agencies to determine eligibility
35 for services such as medical, mental health, chemical dependency
36 treatment, or veterans' services, and to allow for the provision of
37 treatment to inmates during their stay or after release. Records
38 disclosed for eligibility determination or treatment services must be
39 held in confidence by the receiving agency, and the receiving agency

1 must comply with all relevant state and federal statutes regarding
2 the privacy of the disclosed records; or

3 (g) Upon the written permission of the person.

4 (3)(a) Law enforcement may use booking photographs of a person
5 arrested or confined in a local or state penal institution to assist
6 them in conducting investigations of crimes.

7 (b) Photographs and information concerning a person convicted of
8 a sex offense as defined in RCW 9.94A.030 may be disseminated as
9 provided in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540,
10 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter
11 3, Laws of 1990.

12 (4) Any jail that provides inmate records in accordance with
13 subsection (2) of this section is not responsible for any unlawful
14 secondary dissemination of the provided inmate records.

15 NEW SECTION. Sec. 7. If specific funding for the purposes of
16 this act, referencing this act by bill or chapter number, is not
17 provided by June 30, 2016, in the omnibus appropriations act, this
18 act is null and void."

19 Correct the title.

EFFECT: Adds a null and void clause. The bill is null and void
unless funded in the budget.

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