

**SSB 5157** - H COMM AMD

By Committee on Health Care & Wellness

**ADOPTED AND ENGROSSED 4/7/21**

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that in 2013 the  
4 legislature adopted outcome expectations for entities that contract  
5 with the state to provide health services in order to guide  
6 purchasing strategies by the health care authority and department of  
7 social and health services. Since then, the health care authority has  
8 established a performance measures coordinating committee and  
9 implemented performance terms in managed care contracts including,  
10 but not limited to, performance measurement requirements, mandatory  
11 performance improvement projects, and value-based purchasing terms.

12 The legislature finds that two outcomes established by chapter  
13 320, Laws of 2013 (Engrossed Substitute House Bill No. 1519) and  
14 chapter 338, Laws of 2013 (Second Substitute Senate Bill No. 5732)  
15 which are key to the integration of behavioral health into primary  
16 health networks are (1) reduction in client involvement with the  
17 criminal justice system; and (2) reduction in avoidable costs in  
18 jails and prisons. These outcomes reflect Washington's priorities to  
19 incentivize cross-system collaboration between health networks,  
20 government entities, and the criminal justice system; to emphasize  
21 prevention over crisis response; and to remove individuals whose  
22 offending is driven primarily by health status instead of criminality  
23 from the criminal justice system.

24 The legislature further finds that indicators since 2013 show  
25 worsening trends for interaction between persons with behavioral  
26 health disorders and the criminal justice system. According to data  
27 presented in October 2018 by the research and data administration of  
28 the department of social and health services, arrests of persons  
29 enrolled in public health with an identified mental health or  
30 substance use disorder condition increased by 67 percent during this  
31 five-year period, while the overall rate of arrest declined by 11  
32 percent. According to the same data source, referrals for state



1 relevant to the general populations that each agency serves. The  
2 authority and the department may adapt the outcomes to account for  
3 the unique needs and characteristics of discrete subcategories of  
4 populations receiving services, including ethnically diverse  
5 communities.

6 (4) The authority and the department shall coordinate the  
7 establishment of the expected outcomes and the performance measures  
8 between each agency as well as each program to identify expected  
9 outcomes and performance measures that are common to the clients  
10 enrolled in multiple programs and to eliminate conflicting standards  
11 among the agencies and programs.

12 (5) (a) The authority and the department shall establish timelines  
13 and mechanisms for service contracting entities to report data  
14 related to performance measures and outcomes, including phased  
15 implementation of public reporting of outcome and performance  
16 measures in a form that allows for comparison of performance measures  
17 and levels of improvement between geographic regions of Washington.

18 (b) The authority and the department may not release any public  
19 reports of client outcomes unless the data has been deidentified and  
20 aggregated in such a way that the identity of individual clients  
21 cannot be determined through directly identifiable data or the  
22 combination of multiple data elements.

23 (6) (a) The ((authority and department)) performance measures  
24 coordinating committee must establish ((a)): (i) A performance  
25 measure to be integrated into the statewide common measure set which  
26 tracks effective integration practices of behavioral health services  
27 in primary care settings; and (ii) performance measures which track  
28 rates of criminal justice system involvement among public health  
29 system clients with an identified behavioral health need including,  
30 but not limited to, rates of arrest and incarceration. The authority  
31 must set improvement targets related to these measures.

32 (b) The performance measures coordinating committee must report  
33 to the governor and appropriate committees of the legislature  
34 regarding the implementation of this subsection by July 1, 2022.

35 (c) For purposes of establishing performance measures as  
36 specified in (a)(ii) of this subsection, the performance measures  
37 coordinating committee shall convene a work group of stakeholders  
38 including the authority, medicaid managed care organizations, the  
39 department of corrections, and others with expertise in criminal  
40 justice and behavioral health. The work group shall review current

1 performance measures that have been adopted in other states or  
2 nationally to inform this effort.

3 (7) The authority must report to the governor and appropriate  
4 committees of the legislature by October 1, 2022, regarding options  
5 and recommendations for integrating value-based purchasing terms and  
6 a performance improvement project into managed health care contracts  
7 relating to the criminal justice outcomes specified under subsection  
8 (1) of this section.

9 **Sec. 3.** RCW 70.320.030 and 2015 c 209 s 1 are each amended to  
10 read as follows:

11 (~~By September 1, 2014:~~)

12 (1) The authority shall adopt performance measures to determine  
13 whether service contracting entities are achieving the outcomes  
14 described in RCW 70.320.020 and 41.05.690 for clients enrolled in  
15 medical managed care programs operated according to Title XIX or XXI  
16 of the federal social security act.

17 (2) The (~~department~~) authority shall adopt performance measures  
18 to determine whether service contracting entities are achieving the  
19 outcomes described in RCW 70.320.020 for clients receiving mental  
20 health, long-term care, or chemical dependency services."

21 Correct the title.

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