

SSB 5157 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED AS AMENDED 04/07/2021

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 mental health services related to competency to stand trial have
2 increased by 64 percent, incurring substantial liability for the
3 state in the case of *Trueblood v. Department of Social and Health*
4 *Services*. The purpose of this act is to focus the health care
5 authority's purchasing efforts on providing incentives to its
6 contractors to reverse these trends and achieve the outcome of
7 reduced criminal justice system involvement for public health system
8 clients with behavioral health disorders.

9 **Sec. 2.** RCW 70.320.020 and 2017 c 226 s 8 are each amended to
10 read as follows:

11 (1) The authority and the department shall base contract
12 performance measures developed under RCW 70.320.030 on the following
13 outcomes when contracting with service contracting entities:
14 Improvements in client health status and wellness; increases in
15 client participation in meaningful activities; reductions in client
16 involvement with criminal justice systems; reductions in avoidable
17 costs in hospitals, emergency rooms, crisis services, and jails and
18 prisons; increases in stable housing in the community; improvements
19 in client satisfaction with quality of life; and reductions in
20 population-level health disparities.

21 (2) The performance measures must demonstrate the manner in which
22 the following principles are achieved within each of the outcomes
23 under subsection (1) of this section:

24 (a) Maximization of the use of evidence-based practices will be
25 given priority over the use of research-based and promising
26 practices, and research-based practices will be given priority over
27 the use of promising practices. The agencies will develop strategies
28 to identify programs that are effective with ethnically diverse
29 clients and to consult with tribal governments, experts within
30 ethnically diverse communities and community organizations that serve
31 diverse communities;

32 (b) The maximization of the client's independence, recovery, and
33 employment;

34 (c) The maximization of the client's participation in treatment
35 decisions; and

36 (d) The collaboration between consumer-based support programs in
37 providing services to the client.

38 (3) In developing performance measures under RCW 70.320.030, the
39 authority and the department shall consider expected outcomes

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; (ii) performance measures which track rates
28 of criminal justice system involvement among public health system
29 clients with an identified behavioral health need including, but not
30 limited to, rates of arrest and incarceration; and (iii) improvement
31 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) and (iii) of this subsection, the performance
37 measures coordinating committee shall convene a work group of
38 stakeholders including the authority, medicaid managed care
39 organizations, the department of corrections, and others with
40 expertise in criminal justice and behavioral health. The work group

1 shall review current performance measures that have been adopted in
2 other states or 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.

EFFECT: Requires the Performance Measures Coordinating Committee to convene a work group of stakeholders with expertise in criminal justice and behavioral health to review current performance measures adopted in other states or nationally to inform the process of establishing performance measures that track criminal justice system involvement among clients with an identified behavioral health need.

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