

FINAL BILL REPORT

SSB 5236

C 277 L 21
Synopsis as Enacted

Brief Description: Extending certificate of need exemptions.

Sponsors: Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care (originally sponsored by Senators Warnick, Dhingra, Nguyen and Wagoner).

Senate Committee on Health & Long Term Care
Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care
House Committee on Health Care & Wellness

Background: Certificate of Need. A certificate of need is an approval from the Department of Health (DOH), which is required before a provider or potential provider may expand health services in a region. When it receives a certificate of need application, DOH reviews the potential impact of the proposed construction or expansion on a community's need for the service. The certificate of need requirement for construction of a new psychiatric hospital, or for increasing the number of psychiatric beds at an existing hospital, was suspended in 2014 to alleviate the need to board psychiatric patients in emergency departments. Following a number of extensions, the certificate of need requirement for psychiatric beds remains suspended until June 30, 2021. Different variations of this certificate of need requirement and suspension exist for acute care hospitals, psychiatric hospitals, psychiatric facilities, and grant-funded psychiatric expansion programs.

Long-Term Inpatient Care. Long-term inpatient care refers to voluntary or involuntary inpatient treatment for a mental disorder or substance use disorder extending for a period of 90 days or more. Involuntary treatment occurs when a person is detained by a designated crisis responder and subsequently court-ordered to receive involuntary treatment based on a behavioral health disorder. Patients committed for involuntary treatment start by receiving short-term care for 120 hours and then 14 days at community evaluation and treatment facilities or secure withdrawal management and stabilization facilities. If the patient continues to have needs that cannot be met in a less restrictive alternative, they become eligible for a further period of commitment up to 90 days and then up to 180 days. For these longer periods, patients generally transfer to a state hospital or a facility certified to

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provide long-term inpatient care. Some facilities may be certified to provide short-term and long-term involuntary treatment in the same facility.

Summary: The expiration dates of the following certificate of need exemptions are extended for two years from June 30, 2021, until June 30, 2023:

- to increase the capacity of hospitals to serve psychiatric patients on 90-day and 180-day involuntary commitment orders to alleviate the need to board patients in emergency departments;
- to add new psychiatric beds in a licensed hospital;
- to add up to 30 new beds in a licensed psychiatric hospital for 90-day and 180-day involuntary patients, or 30 new beds for 120-hour and 14-day involuntary patients, or both; and
- to construct, develop, or establish a psychiatric hospital of no more than 16 beds with a portion of the beds dedicated to adults on 90-day or 180-day involuntary commitment orders.

The exemption related to adding beds in a psychiatric hospital is amended to require the new beds be devoted solely for involuntary patients ordered to receive 90-day and 180-day civil commitment services, or for new voluntary or involuntary psychiatric beds for patients on a 120-hour detention or a 14-day civil commitment order, or both. These beds must remain the type of psychiatric beds indicated in the original application unless a certificate of need is granted to change their use.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	49	0	(Senate concurred)

Effective: July 1, 2021