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ENGROSSED SUBSTITUTE HOUSE BILL 2256

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State of Washington

68th Legislature

2024 Regular Session

**By** House Human Services, Youth, & Early Learning (originally sponsored by Representatives Callan, Eslick, Senn, Davis, Paul, Thai, Ormsby, Pollet, and Macri)

READ FIRST TIME 01/24/24.

1 AN ACT Relating to the children and youth behavioral health work  
2 group; amending RCW 74.09.4951; and providing an expiration date.

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

4 **Sec. 1.** RCW 74.09.4951 and 2022 c 76 s 1 are each amended to  
5 read as follows:

6 (1) The children and youth behavioral health work group is  
7 established to ~~((identify))~~:

8 (a) Identify barriers to and opportunities for accessing  
9 behavioral health services for children, youth, and young adults and  
10 their families~~((, and to advise))~~;

11 (b) Strengthen and build a coordinated systemic approach to  
12 providing behavioral health care and supports that ensure that all  
13 children, youth, young adults, and their families have timely access  
14 to high quality, equitable, well-resourced behavioral health  
15 education, care, and supports across the continuum when and where  
16 they need it, including prenatal care; and

17 (c) Advise the legislature on statewide behavioral health  
18 services for this population.

19 (2) The work group shall consist of members and alternates as  
20 provided in this subsection. Members must represent the regional,

1 racial, and cultural diversity of all children and families in the  
2 state.

3 (a) The president of the senate shall appoint one member and one  
4 alternate from each of the two largest caucuses in the senate.

5 (b) The speaker of the house of representatives shall appoint one  
6 member and one alternate from each of the two largest caucuses in the  
7 house of representatives.

8 (c) The governor shall appoint six members representing the  
9 following state agencies and offices: The department of children,  
10 youth, and families; the department of social and health services;  
11 the health care authority; the department of health; the office of  
12 homeless youth prevention and protection programs; and the office of  
13 the governor.

14 (d) ~~((The))~~ Subject to the requirements under (k) of this  
15 subsection, the governor shall appoint the following members:

16 (i) One representative of behavioral health administrative  
17 services organizations;

18 (ii) One representative of community mental health agencies;

19 (iii) Two representatives of medicaid managed care organizations,  
20 one of which must provide managed care to children and youth  
21 receiving child welfare services;

22 (iv) One regional provider of co-occurring disorder services;

23 (v) One pediatrician or primary care provider;

24 (vi) One provider specializing in infant or early childhood  
25 mental health;

26 (vii) One representative who advocates for behavioral health  
27 issues on behalf of children and youth;

28 (viii) One representative of early learning and child care  
29 providers;

30 (ix) One representative of the evidence-based practice institute;

31 (x) Two parents or caregivers of children who have received  
32 behavioral health services, one of which must have a child under the  
33 age of six;

34 (xi) One representative of an education or teaching institution  
35 that provides training for mental health professionals;

36 (xii) One foster parent;

37 (xiii) One representative of providers of culturally and  
38 linguistically appropriate health services to traditionally  
39 underserved communities;

1 (xiv) One pediatrician located east of the crest of the Cascade  
2 mountains;

3 (xv) One child psychiatrist;

4 (xvi) One representative of an organization representing the  
5 interests of individuals with developmental disabilities;

6 (xvii) (~~Two~~) Three youth or young adult representatives who  
7 have (~~received~~) experience with behavioral health services;

8 (xviii) One representative of a private insurance organization;

9 (xix) One representative from the statewide family youth system  
10 partner roundtable established in the *T.R. v. Strange and McDermott*,  
11 formerly the *T.R. v. Dreyfus and Porter*, settlement agreement;  
12 (~~and~~)

13 (xx) One representative from educational service districts  
14 established under chapter 28A.310 RCW; and

15 (xxi) One substance use disorder professional.

16 (e) The governor shall request participation by a representative  
17 of tribal governments.

18 (f) The superintendent of public instruction shall appoint one  
19 representative from the office of the superintendent of public  
20 instruction.

21 (g) The insurance commissioner shall appoint one representative  
22 from the office of the insurance commissioner.

23 (h) The work group shall choose (~~its cochairst,~~) one of the work  
24 group's cochairst from among its legislative members and (~~one from~~  
25 ~~among the executive branch members~~) the other cochair must be the  
26 representative from the health care authority. The representative  
27 from the health care authority shall convene at least two (~~but not~~  
28 ~~more than six,~~) meetings of the work group each year.

29 (i) The cochairst may invite additional members of the house of  
30 representatives and the senate to participate in work group  
31 activities, including as leaders of advisory groups to the work  
32 group. These legislators are not required to be formally appointed  
33 members of the work group in order to participate in or lead advisory  
34 groups.

35 (j) The cochairst may request that the governor appoint additional  
36 members of the work group representing specific professions,  
37 organizations, or communities. The governor's office may consult with  
38 the cochairst as needed on these discretionary appointments.

39 (k) The terms for work group members appointed under (d) of this  
40 subsection after the effective date of this section may not exceed

1 three years. Work group members appointed under (d) of this  
2 subsection before the effective date of this section may remain in  
3 their positions until January 1, 2027, but their terms may not go  
4 beyond that date.

5 (3) The work group shall:

6 (a) Monitor the implementation of enacted legislation, programs,  
7 and policies related to children and youth behavioral health,  
8 including provider payment for mood, anxiety, and substance use  
9 disorder prevention, screening, diagnosis, and treatment for children  
10 and young mothers; consultation services for child care providers  
11 caring for children with symptoms of trauma; home visiting services;  
12 and streamlining agency rules for providers of behavioral health  
13 services;

14 (b) Consider system strategies to improve coordination and remove  
15 barriers between the early learning, K-12 education, and health care  
16 systems;

17 (c) Identify opportunities to remove barriers to treatment and  
18 strengthen behavioral health service delivery for children and youth;

19 (d) Determine the strategies and resources needed to:

20 (i) Improve inpatient and outpatient access to behavioral health  
21 services;

22 (ii) Support the unique needs of young children prenatally  
23 through age five, including promoting health and social and emotional  
24 development in the context of children's family, community, and  
25 culture; (~~and~~)

26 (iii) Develop and sustain system improvements to support the  
27 behavioral health needs of children (~~and~~), youth, and young adults;  
28 and

29 (iv) Achieve parity of private health insurance coverage for  
30 behavioral health conditions with the coverage provided for other  
31 health conditions; and

32 (e) Consider issues and recommendations put forward by the  
33 statewide family youth system partner roundtable established in the  
34 *T.R. v. Strange and McDermott*, formerly the *T.R. v. Dreyfus and*  
35 *Porter*, settlement agreement.

36 (4) At the direction of the cochairs, the work group may convene  
37 advisory groups to evaluate specific issues and report related  
38 findings and recommendations to the full work group.

39 (5) The work group shall convene an advisory group focused on  
40 school-based behavioral health and suicide prevention. The advisory

1 group shall advise the full work group on creating and maintaining an  
2 integrated system of care through a tiered support framework for  
3 (~~kindergarten~~) preschool through twelfth grade school systems  
4 defined by the office of the superintendent of public instruction and  
5 behavioral health care systems that can rapidly identify students in  
6 need of care and effectively link these students to appropriate  
7 services, provide age-appropriate education on behavioral health and  
8 other universal supports for social-emotional wellness for all  
9 students, and improve both education and behavioral health outcomes  
10 for students. The school-based behavioral health and suicide  
11 prevention advisory group shall consider the broader behavioral  
12 health issues impacting children, youth, and families, while focusing  
13 on the issues that are unique to children and families that interface  
14 with schools. The work group cochairs may invite nonwork group  
15 members to participate as advisory group members.

16 (6) (a) Subject to the availability of amounts appropriated for  
17 this specific purpose, the work group shall convene an advisory group  
18 for the purpose of developing a draft strategic plan that describes:

19 (i) The current landscape of behavioral health services available  
20 to families in the perinatal phase, children, youth transitioning  
21 into adulthood, and the caregivers of those children and youth in  
22 Washington state, including a description of:

23 (A) The gaps and barriers in receiving or accessing behavioral  
24 health services, including services for co-occurring behavioral  
25 health disorders or other conditions;

26 (B) Access to high quality, equitable care and supports in  
27 behavioral health education and promotion, prevention, intervention,  
28 treatment, recovery, and ongoing well-being supports;

29 (C) The current supports and services that address emerging  
30 behavioral health issues before a diagnosis and more intensive  
31 services or clinical treatment is needed; and

32 (D) The current behavioral health care oversight and management  
33 of services and systems;

34 (ii) The vision for the behavioral health service delivery system  
35 for families in the perinatal phase, children, youth transitioning  
36 into adulthood, and the caregivers of those children and youth,  
37 including:

38 (A) A complete continuum of services from education, promotion,  
39 prevention, early intervention through crisis response, intensive

1 treatment, postintervention, and recovery, as well as supports that  
2 sustain wellness in the behavioral health spectrum;

3 (B) How access can be provided to high quality, equitable care  
4 and supports in behavioral health education, promotion, prevention,  
5 intervention, recovery, and ongoing well-being when and where needed;

6 (C) How the children and youth behavioral health system must  
7 successfully pair with the 988 behavioral health crisis response  
8 described under chapter 82.86 RCW;

9 (D) The incremental steps needed to achieve the vision for the  
10 behavioral health service delivery system based on the current gaps  
11 and barriers for accessing behavioral health services, with estimated  
12 dates for these steps; and

13 (E) The oversight and management needed to ensure effective  
14 behavioral health care; and

15 (iii) A comparison of the current behavioral health system for  
16 families in the perinatal phase, children, youth transitioning into  
17 adulthood, and the caregivers of those children and youth that is  
18 primarily based on crisis response and inadequate capacity with the  
19 behavioral health system vision created by the strategic planning  
20 process through a cost-benefit analysis.

21 (b) The work group cochairs shall appoint a chair for the  
22 strategic plan advisory group and may invite nonwork group members to  
23 participate as advisory group members, but the strategic plan  
24 advisory group shall include, at a minimum:

25 (i) Community members with lived experience including those with  
26 cultural, linguistic, and ethnic diversity, as well as those having  
27 diverse experience with behavioral health care invited by the work  
28 group cochairs;

29 (ii) A representative from the department of children, youth, and  
30 families;

31 (iii) A representative from the department;

32 (iv) A representative from the authority;

33 (v) A representative from the department of health;

34 (vi) A representative from the office of homeless youth  
35 prevention and protection programs;

36 (vii) A representative from the office of the governor;

37 (viii) A representative from the developmental disability  
38 administration of the department of social and health services;

39 (ix) A representative from the office of the superintendent of  
40 public instruction;

1 (x) A representative from the office of the insurance  
2 commissioner;

3 (xi) A tribal representative;

4 (xii) Two legislative members or alternates from the work group;  
5 and

6 (xiii) Individuals invited by the work group cochairs with  
7 relevant subject matter expertise.

8 (c) The health care authority shall conduct competitive  
9 procurements as necessary in accordance with chapter 39.26 RCW to  
10 select a third-party facilitator to facilitate the strategic plan  
11 advisory group.

12 (d) To assist the strategic plan advisory group in its work, the  
13 authority, in consultation with the cochairs of the work group, shall  
14 select an entity to conduct the activities set forth in this  
15 subsection. The health care authority may contract directly with a  
16 public agency as defined under RCW 39.34.020 through an interagency  
17 agreement. If the health care authority determines, in consultation  
18 with the cochairs of the work group, that a public agency is not  
19 appropriate for conducting these analyses, the health care authority  
20 may select another entity through competitive procurements as  
21 necessary in accordance with chapter 39.26 RCW. The activities that  
22 entities selected under this subsection must complete include:

23 (i) Following a statewide stakeholder engagement process, a  
24 behavioral health landscape analysis for families in the perinatal  
25 phase, children, youth transitioning into adulthood, and the  
26 caregivers of those children and youth outlining:

27 (A) The current service continuum including the cost of care,  
28 delivery service models, and state oversight for behavioral health  
29 services covered by medicaid and private insurance;

30 (B) Current gaps in the service continuum, areas without access  
31 to services, workforce demand, and capacity shortages;

32 (C) Barriers to accessing preventative services and necessary  
33 care including inequities in service access, affordability, cultural  
34 responsiveness, linguistic responsiveness, gender responsiveness, and  
35 developmentally appropriate service availability; and

36 (D) Incorporated information provided by the 988 crisis hotline  
37 crisis response improvement strategy committee (~~as required under~~  
38 ~~RCW 71.24.893~~);

39 (ii) A gap analysis estimating the prevalence of needs for  
40 Washington state behavioral health services for families in the

1 perinatal phase, children, youth transitioning into adulthood, and  
2 the caregivers of those children and youth served by medicaid or  
3 private insurance, including:

4 (A) The estimated number of families in the perinatal phase,  
5 children, youth transitioning into adulthood, and the caregivers of  
6 those children and youth who need clinical behavioral health services  
7 or could benefit from preventive or early intervention services on an  
8 annual basis;

9 (B) The estimated number of expectant parents and caregivers in  
10 need of behavioral health services;

11 (C) A collection and analysis of disaggregated data to better  
12 understand regional, economic, linguistic, gender, and racial gaps in  
13 access to behavioral health services;

14 (D) The estimated costs of providing services that include a  
15 range of behavioral health supports that will meet the projected  
16 needs of the population; and

17 (E) Recommendations on the distribution of resources to deliver  
18 needed services to families in the perinatal phase, children, youth  
19 transitioning into adulthood, and the caregivers of those children  
20 and youth across multiple settings; and

21 (iii) An analysis of peer-reviewed publications, evidence-based  
22 practices, and other existing practices and guidelines with preferred  
23 outcomes regarding the delivery of behavioral health services to  
24 families in the perinatal phase, children, youth transitioning into  
25 adulthood, and the caregivers of those children and youth across  
26 multiple settings including:

27 (A) Approaches to increasing access and quality of care for  
28 underserved populations;

29 (B) Approaches to providing developmentally appropriate care;

30 (C) The integration of culturally responsive care with effective  
31 clinical care practices and guidelines;

32 (D) Strategies to maximize federal reinvestment and resources  
33 from any alternative funding sources; and

34 (E) Workforce development strategies that ensure a sustained,  
35 representative, and diverse workforce.

36 (e) The strategic plan advisory group shall prioritize its work  
37 as follows:

38 (i) Hold its first meeting by September 1, 2022;

39 ~~(ii) ((Select third-party entities described under (d) of this~~  
40 ~~subsection by December 31, 2022;~~



1       ~~(iii))~~) Provide a progress report on the development of the  
2 strategic plan, including a timeline of future strategic plan  
3 development steps, to be included in the work group's 2022 annual  
4 report required under subsection (10) of this section;

5       ~~((iv))~~) (iii) Provide a progress report on the development of  
6 the strategic plan, including discussion of the work group  
7 recommendations that align with the strategic plan development thus  
8 far, to be included in the work group's ~~((2023))~~ 2024 annual report  
9 required under subsection (10) of this section;

10       ~~((v))~~) (iv) Provide a draft strategic plan, along with any  
11 materials produced by entities selected under (d) of this subsection,  
12 to the work group by ~~((October 1, 2024))~~ August 1, 2025. The draft  
13 strategic plan must ~~((include an incremental action plan outlining  
14 the action steps needed to achieve the vision provided by the draft  
15 strategic plan, clear prioritization criteria, and a transparent  
16 evaluation plan. The action plan may include further research  
17 questions, a proposed budget to continue the strategic planning work  
18 or implementation process, and a process for reviewing and updating  
19 the strategic plan))~~ be developed in coordination with the joint  
20 legislative and executive committee on behavioral health established  
21 in section 135(15), chapter 475, Laws of 2023, the department of  
22 health, and the health care authority related to the implementation  
23 of the 988 crisis hotline.

24       (f) The work group shall discuss the draft strategic plan ~~((and  
25 action plan after they are submitted))~~ and adopt a final strategic  
26 plan that must be submitted to the governor and the appropriate  
27 committees of the legislature at the same time as the work group's  
28 ~~((2024))~~ 2025 annual report required under subsection (10) of this  
29 section.

30       (7) (a) Staff support for the work group, including administration  
31 of work group meetings and preparation of full work group  
32 recommendations and reports required under this section, must be  
33 provided by the health care authority.

34       (b) Additional staff support for legislative members of the work  
35 group may be provided by senate committee services and the house of  
36 representatives office of program research.

37       (c) Subject to the availability of amounts appropriated for this  
38 specific purpose, the office of the superintendent of public  
39 instruction must provide staff support to the school-based behavioral  
40 health and suicide prevention advisory group, including

1 administration of advisory group meetings and the preparation and  
2 delivery of advisory group recommendations to the full work group.

3 (8) (a) Legislative members of the work group are reimbursed for  
4 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
5 members are not entitled to be reimbursed for travel expenses if they  
6 are elected officials or are participating on behalf of an employer,  
7 governmental entity, or other organization. Except as provided under  
8 (b) of this subsection, any reimbursement for other nonlegislative  
9 members is subject to chapter 43.03 RCW.

10 (b) Members of the children and youth behavioral health work  
11 group or an advisory group established under this section with lived  
12 experience may receive a stipend of up to \$200 per day if:

13 (i) The member participates in the meeting virtually or in  
14 person, even if only participating for one meeting and not on an  
15 ongoing basis; and

16 (ii) The member does not receive compensation, including paid  
17 leave, from the member's employer or contractor for participation in  
18 the meeting.

19 (9) The following definitions apply to this section:

20 (a) "A member with lived experience" means an individual who has  
21 received behavioral health services or whose family member has  
22 received behavioral health services; and

23 (b) "Families in the perinatal phase" means families during the  
24 time from pregnancy through one year after birth.

25 (10) Beginning November 1, 2020, and annually thereafter, the  
26 work group shall provide recommendations in alignment with subsection  
27 (3) of this section to the governor and the legislature. Beginning  
28 November 1, ((2025)) 2026, the work group shall include in its annual  
29 report a discussion of how the work group's recommendations align  
30 with the final strategic plan described under subsection (6) of this  
31 section.

32 (11) This section expires December 30, ((2026)) 2029.

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