
HOUSE BILL 2654

State of Washington 60th Legislature 2008 Regular Session

By Representatives Hinkle, Cody, Moeller, Green, and Kenney

Read first time 01/15/08. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to consumer-directed mental health care; amending
2 RCW 71.24.025 and 71.24.055; and adding new sections to chapter 71.24
3 RCW.

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

5 **Sec. 1.** RCW 71.24.025 and 2007 c 414 s 1 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (1) "Acutely mentally ill" means a condition which is limited to a
10 short-term severe crisis episode of:

11 (a) A mental disorder as defined in RCW 71.05.020 or, in the case
12 of a child, as defined in RCW 71.34.020;

13 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the
14 case of a child, a gravely disabled minor as defined in RCW 71.34.020;
15 or

16 (c) Presenting a likelihood of serious harm as defined in RCW
17 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

18 (2) "Available resources" means funds appropriated for the purpose
19 of providing community mental health programs, federal funds, except

1 those provided according to Title XIX of the Social Security Act, and
2 state funds appropriated under this chapter or chapter 71.05 RCW by the
3 legislature during any biennium for the purpose of providing
4 residential services, resource management services, community support
5 services, and other mental health services. This does not include
6 funds appropriated for the purpose of operating and administering the
7 state psychiatric hospitals.

8 (3) "Child" means a person under the age of eighteen years.

9 (4) "Chronically mentally ill adult" or "adult who is chronically
10 mentally ill" means an adult who has a mental disorder and meets at
11 least one of the following criteria:

12 (a) Has undergone two or more episodes of hospital care for a
13 mental disorder within the preceding two years; or

14 (b) Has experienced a continuous psychiatric hospitalization or
15 residential treatment exceeding six months' duration within the
16 preceding year; or

17 (c) Has been unable to engage in any substantial gainful activity
18 by reason of any mental disorder which has lasted for a continuous
19 period of not less than twelve months. "Substantial gainful activity"
20 shall be defined by the department by rule consistent with Public Law
21 92-603, as amended.

22 (5) "Clubhouse" means a community-based program that provides
23 rehabilitation services and is certified by the department of social
24 and health services.

25 (6) "Community mental health program" means all mental health
26 services, activities, or programs using available resources.

27 (7) "Community mental health service delivery system" means public
28 or private agencies that provide services specifically to persons with
29 mental disorders as defined under RCW 71.05.020 and receive funding
30 from public sources.

31 (8) "Community service agency" means an agency or organization
32 providing consumer-run, family-run, or advocate-run mental health
33 rehabilitation, recovery, and support services.

34 (9) "Community support services" means services authorized,
35 planned, and coordinated through resource management services
36 including, at a minimum, assessment, diagnosis, emergency crisis
37 intervention available twenty-four hours, seven days a week,
38 prescreening determinations for persons who are mentally ill being

1 considered for placement in nursing homes as required by federal law,
2 screening for patients being considered for admission to residential
3 services, diagnosis and treatment for children who are acutely mentally
4 ill or severely emotionally disturbed discovered under screening
5 through the federal Title XIX early and periodic screening, diagnosis,
6 and treatment program, investigation, legal, and other nonresidential
7 services under chapter 71.05 RCW, case management services, psychiatric
8 treatment including medication supervision, counseling, psychotherapy,
9 assuring transfer of relevant patient information between service
10 providers, recovery services, and other services determined by regional
11 support networks.

12 ~~((9))~~ (10) "Consensus-based" means a program or practice that has
13 general support among treatment providers and experts, based on
14 experience or professional literature, and may have anecdotal or case
15 study support, or that is agreed but not possible to perform studies
16 with random assignment and controlled groups.

17 ~~((10))~~ (11) "Consumer-run" means a program that is entirely
18 operated or directed by consumers.

19 (12) "County authority" means the board of county commissioners,
20 county council, or county executive having authority to establish a
21 community mental health program, or two or more of the county
22 authorities specified in this subsection which have entered into an
23 agreement to provide a community mental health program.

24 ~~((11))~~ (13) "Department" means the department of social and
25 health services.

26 ~~((12))~~ (14) "Designated mental health professional" means a
27 mental health professional designated by the county or other authority
28 authorized in rule to perform the duties specified in this chapter.

29 ~~((13))~~ (15) "Emerging best practice" or "promising practice"
30 means a practice that presents, based on preliminary information,
31 potential for becoming a research-based or consensus-based practice.

32 ~~((14))~~ (16) "Evidence-based" means a program or practice that has
33 had multiple site random controlled trials across heterogeneous
34 populations demonstrating that the program or practice is effective for
35 the population.

36 ~~((15))~~ (17) "Family-run" means a program that is entirely
37 operated or directed by family members.

1 (18) "Licensed service provider" means an entity licensed according
2 to this chapter or chapter 71.05 RCW or an entity deemed to meet state
3 minimum standards as a result of accreditation by a recognized
4 behavioral health accrediting body recognized and having a current
5 agreement with the department, that meets state minimum standards or
6 persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it
7 applies to registered nurses and advanced registered nurse
8 practitioners.

9 ~~((+16+))~~ (19) "Long-term inpatient care" means inpatient services
10 for persons committed for, or voluntarily receiving intensive treatment
11 for, periods of ninety days or greater under chapter 71.05 RCW. "Long-
12 term inpatient care" as used in this chapter does not include: (a)
13 Services for individuals committed under chapter 71.05 RCW who are
14 receiving services pursuant to a conditional release or a court-ordered
15 less restrictive alternative to detention; or (b) services for
16 individuals voluntarily receiving less restrictive alternative
17 treatment on the grounds of the state hospital.

18 ~~((+17+))~~ (20) "Mental health services" means all services provided
19 by regional support networks and other services provided by the state
20 for persons who are mentally ill.

21 ~~((+18+))~~ (21) "Mentally ill persons," "persons who are mentally
22 ill," and "the mentally ill" mean persons and conditions defined in
23 subsections (1), (4), ~~((+27+))~~ (30), and ~~((+28+))~~ (31) of this section.

24 ~~((+19+))~~ (22) "Recovery" means the process in which people are able
25 to live, work, learn, and participate fully in their communities.

26 ~~((+20+))~~ (23) "Regional support network" means a county authority
27 or group of county authorities or other nonprofit entity recognized by
28 the secretary in contract in a defined region.

29 ~~((+21+))~~ (24) "Registration records" include all the records of the
30 department, regional support networks, treatment facilities, and other
31 persons providing services to the department, county departments, or
32 facilities which identify persons who are receiving or who at any time
33 have received services for mental illness.

34 ~~((+22+))~~ (25) "Research-based" means a program or practice that has
35 some research demonstrating effectiveness, but that does not yet meet
36 the standard of evidence-based practices.

37 ~~((+23+))~~ (26) "Residential services" means a complete range of
38 residences and supports authorized by resource management services and

1 which may involve a facility, a distinct part thereof, or services
2 which support community living, for persons who are acutely mentally
3 ill, adults who are chronically mentally ill, children who are severely
4 emotionally disturbed, or adults who are seriously disturbed and
5 determined by the regional support network to be at risk of becoming
6 acutely or chronically mentally ill. The services shall include at
7 least evaluation and treatment services as defined in chapter 71.05
8 RCW, acute crisis respite care, long-term adaptive and rehabilitative
9 care, and supervised and supported living services, and shall also
10 include any residential services developed to service persons who are
11 mentally ill in nursing homes, boarding homes, and adult family homes,
12 and may include outpatient services provided as an element in a package
13 of services in a supported housing model. Residential services for
14 children in out-of-home placements related to their mental disorder
15 shall not include the costs of food and shelter, except for children's
16 long-term residential facilities existing prior to January 1, 1991.

17 ~~((+24))~~ (27) "Resilience" means the personal and community
18 qualities that enable individuals to rebound from adversity, trauma,
19 tragedy, threats, or other stresses, and to live productive lives.

20 ~~((+25))~~ (28) "Resource management services" mean the planning,
21 coordination, and authorization of residential services and community
22 support services administered pursuant to an individual service plan
23 for: (a) Adults and children who are acutely mentally ill; (b) adults
24 who are chronically mentally ill; (c) children who are severely
25 emotionally disturbed; or (d) adults who are seriously disturbed and
26 determined solely by a regional support network to be at risk of
27 becoming acutely or chronically mentally ill. Such planning,
28 coordination, and authorization shall include mental health screening
29 for children eligible under the federal Title XIX early and periodic
30 screening, diagnosis, and treatment program. Resource management
31 services include seven day a week, twenty-four hour a day availability
32 of information regarding enrollment of adults and children who are
33 mentally ill in services and their individual service plan to
34 designated mental health professionals, evaluation and treatment
35 facilities, and others as determined by the regional support network.

36 ~~((+26))~~ (29) "Secretary" means the secretary of social and health
37 services.

38 ~~((+27))~~ (30) "Seriously disturbed person" means a person who:

1 (a) Is gravely disabled or presents a likelihood of serious harm to
2 himself or herself or others, or to the property of others, as a result
3 of a mental disorder as defined in chapter 71.05 RCW;

4 (b) Has been on conditional release status, or under a less
5 restrictive alternative order, at some time during the preceding two
6 years from an evaluation and treatment facility or a state mental
7 health hospital;

8 (c) Has a mental disorder which causes major impairment in several
9 areas of daily living;

10 (d) Exhibits suicidal preoccupation or attempts; or

11 (e) Is a child diagnosed by a mental health professional, as
12 defined in chapter 71.34 RCW, as experiencing a mental disorder which
13 is clearly interfering with the child's functioning in family or school
14 or with peers or is clearly interfering with the child's personality
15 development and learning.

16 ((+28+)) (31) "Severely emotionally disturbed child" or "child who
17 is severely emotionally disturbed" means a child who has been
18 determined by the regional support network to be experiencing a mental
19 disorder as defined in chapter 71.34 RCW, including those mental
20 disorders that result in a behavioral or conduct disorder, that is
21 clearly interfering with the child's functioning in family or school or
22 with peers and who meets at least one of the following criteria:

23 (a) Has undergone inpatient treatment or placement outside of the
24 home related to a mental disorder within the last two years;

25 (b) Has undergone involuntary treatment under chapter 71.34 RCW
26 within the last two years;

27 (c) Is currently served by at least one of the following child-
28 serving systems: Juvenile justice, child-protection/welfare, special
29 education, or developmental disabilities;

30 (d) Is at risk of escalating maladjustment due to:

31 (i) Chronic family dysfunction involving a caretaker who is
32 mentally ill or inadequate;

33 (ii) Changes in custodial adult;

34 (iii) Going to, residing in, or returning from any placement
35 outside of the home, for example, psychiatric hospital, short-term
36 inpatient, residential treatment, group or foster home, or a
37 correctional facility;

38 (iv) Subject to repeated physical abuse or neglect;

1 (v) Drug or alcohol abuse; or

2 (vi) Homelessness.

3 ~~((+29+))~~ (32) "State minimum standards" means minimum requirements
4 established by rules adopted by the secretary and necessary to
5 implement this chapter for: (a) Delivery of mental health services;
6 (b) licensed service providers for the provision of mental health
7 services; (c) residential services; and (d) community support services
8 and resource management services.

9 ~~((+30+))~~ (33) "Treatment records" include registration and all
10 other records concerning persons who are receiving or who at any time
11 have received services for mental illness, which are maintained by the
12 department, by regional support networks and their staffs, and by
13 treatment facilities. Treatment records do not include notes or
14 records maintained for personal use by a person providing treatment
15 services for the department, regional support networks, or a treatment
16 facility if the notes or records are not available to others.

17 ~~((+31+))~~ (34) "Tribal authority," for the purposes of this section
18 and RCW 71.24.300 only, means: The federally recognized Indian tribes
19 and the major Indian organizations recognized by the secretary insofar
20 as these organizations do not have a financial relationship with any
21 regional support network that would present a conflict of interest.

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

24 The department shall adopt rules to provide a standardized process
25 for medicaid certification of community service agencies. The rules
26 shall include the certification of community service agencies, and the
27 delivery of and billing for behavioral health rehabilitation and
28 support services. The rules shall cover such tier 1 rehabilitation and
29 support services as personal care, self help, peer services,
30 comprehensive community support services, psychoeducational services,
31 and support to maintain employment services; and tier 2 rehabilitation
32 and support services, including behavioral health promotion, skills
33 training, home care training for families, comprehensive community
34 support services, and supervised behavioral health day treatment
35 services.

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

3 Within funds appropriated for this purpose, the department shall
4 provide technical assistance to community service agencies to enable
5 them to organize, become medicaid certified, and provide consumer-run,
6 family-run, or advocate-run community-based mental health
7 rehabilitation, recovery, and support services.

8 **Sec. 4.** RCW 71.24.055 and 2007 c 359 s 4 are each amended to read
9 as follows:

10 As part of the system transformation initiative, the department of
11 social and health services shall undertake the following activities
12 related specifically to children's mental health services:

13 (1) The development of recommended revisions to the access to care
14 standards for children. The recommended revisions shall reflect the
15 policies and principles set out in RCW 71.36.005, 71.36.010, and
16 71.36.025, and recognize that early identification, intervention and
17 prevention services, and brief intervention services may be provided
18 outside of the regional support network system. Revised access to care
19 standards shall assess a child's need for mental health services based
20 upon the child's diagnosis and its negative impact upon his or her
21 persistent impaired functioning in family, school, or the community,
22 and should not solely condition the receipt of services upon a
23 determination that a child is engaged in high risk behavior or is in
24 imminent need of hospitalization or out-of-home placement. Assessment
25 and diagnosis for children under five years of age shall be determined
26 using a nationally accepted assessment tool designed specifically for
27 children of that age. The recommendations shall also address whether
28 amendments to RCW 71.24.025 (~~((+26+))~~) (30) and (~~((+27+))~~) (31) and
29 71.24.035(5) are necessary to implement revised access to care
30 standards;

31 (2) Development of a revised children's mental health benefit
32 package. The department shall ensure that services included in the
33 children's mental health benefit package reflect the policies and
34 principles included in RCW 71.36.005 and 71.36.025, to the extent
35 allowable under medicaid, Title XIX of the federal social security act.
36 Strong consideration shall be given to developmentally appropriate
37 evidence-based and research-based practices, family-based

1 interventions, the use of natural and peer supports, and community
2 support services. This effort shall include a review of other states'
3 efforts to fund family-centered children's mental health services
4 through their medicaid programs;

5 (3) Consistent with the timeline developed for the system
6 transformation initiative, recommendations for revisions to the
7 children's access to care standards and the children's mental health
8 services benefits package shall be presented to the legislature by
9 January 1, 2009.

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