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**SECOND ENGROSSED SUBSTITUTE SENATE BILL 5389**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Becker, Cleveland, Bailey, Wilson, L., Brown, Walsh, and Warnick)

AN ACT Relating to establishing a telehealth training and treatment program to assist youth; amending RCW 28A.410.226; reenacting and amending RCW 28A.410.035; adding new sections to chapter 28B.20 RCW; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28A.400 RCW; creating new sections; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature recognizes that unaddressed mental illness is a growing problem in Washington state. Early identification, intervention, and prevention are critical to a student's success in school and life. Other states have demonstrated that students' grades increase and truancy decreases by addressing mental health among students in schools. Future mental health care and housing costs will be reduced by addressing mental health issues early.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.20 RCW to read as follows:

(1) The University of Washington, in collaboration with project ECHO (extension for community healthcare outcomes), shall design a training curriculum and training delivery system to train middle, junior high, and high school staff to identify students who are at risk for substance abuse, violence, or youth suicide.

(2) The training curriculum in subsection (1) of this section must:

(a) Be developed in consultation with mental health providers;

(b) Align with national best practices; and

(c) Be designed to assist any school staff in identifying students who:

(i) May be struggling with mental health issues;

(ii) Have had thoughts of suicide or harming others; and

(iii) Have abused, are abusing, or are at risk of abusing alcohol or drugs, including opioids.

(3) The training delivery system in subsection (1) of this section must utilize live teleconference or store-and-forward technology to deliver the trainings to school staff.

(4) Project ECHO shall coordinate with medical schools, hospitals, clinics, and independent providers to develop a directory of psychiatrists and psychologists licensed to practice in Washington state who have access to telemedicine technology and are able to provide teleconsultations to students who are determined to be at risk for substance abuse or committing violence to themselves or others. Project ECHO must update the directory periodically and make the directory available to all middle, junior high, and high schools in the state.

(5) For purposes of this section, "project echo" means the University of Washington school of medicine extension for community healthcare outcomes program.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.20 RCW to read as follows:

(1) The University of Washington, in collaboration with project ECHO (extension for community healthcare outcomes), shall seek grants, gifts, and donations to support:

(a) The development of the training curriculum, training delivery system, and directory of psychiatrists and psychologists required by section 2 of this act; and

(b) The reimbursement for health care services provided by psychiatrists and psychologists for the provision of teleconsultations to students who do not have health insurance coverage.

(2) The University of Washington shall develop:

(a) A system to receive reimbursement requests from, and to distribute reimbursements to, psychiatrists and psychologists who provide health care services under this section; and

(b) Methodology for determining the amount of a reimbursement paid to a psychiatrist or psychologist.

(3) For purposes of this section, "project ECHO" means the University of Washington school of medicine extension for community healthcare outcomes program.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.210 RCW to read as follows:

(1) If a certificated or classified employee trained under section 7 of this act, or a school counselor, school psychologist, or school social worker, identifies a student who may be at risk for substance abuse, violence, or youth suicide, a school counselor, school psychologist, school social worker, or school nurse must screen the student to determine if the student is at risk for substance abuse, violence, or youth suicide.

(2) If a school counselor, school psychologist, school social worker, or school nurse determines that a student is at risk for substance abuse, violence, or youth suicide, the student's school district must, subject to receiving consent under subsection (4) of this section, schedule a teleconsultation for the student within thirty days of the determination, in accordance with the following:

(a) The school district must utilize the directory developed by project ECHO under section 2 of this act to enlist a psychiatrist or psychologist to provide the student with two teleconsultations;

(b) The school district must provide an unoccupied room and the technology necessary for the student to connect with the remote psychiatrist or psychologist for the teleconsultations; and

(c) The school district must allow the student to participate in the two teleconsultations during normal school hours.

(3) If, following the initial teleconsultation as described in subsection (2) of this section, a psychiatrist or psychologist recommends a second teleconsultation then the student's school district must, subject to receiving consent under subsection (4) of this section, schedule a second teleconsultation for the student within thirty days of the recommendation, in accordance with subsection (2) of this section.

(4) The school district may not schedule a teleconsultation for a student without first receiving authorization from the student, or if the student is a minor under the age of thirteen, written authorization from a parent or person who may consent on behalf of the minor under RCW 7.70.065.

(5) Following a second teleconsultation, the school district must work with the psychiatrist or psychologist to refer the student to any appropriate medical, mental health, or behavioral health services.

(6) Psychiatrists or psychologists who provide teleconference services in accordance with subsections (2) and (3) of this section may seek reimbursement for the health care services provided from the health plan in which a student is enrolled, including apple health for kids. For students with no health coverage, a psychiatrist or psychologist may seek reimbursement from the state for any uncompensated health care services provided to the students.

(7) For purposes of this section, "project ECHO" means the University of Washington school of medicine extension for community healthcare outcomes program.

**Sec.**  RCW 28A.410.226 and 2013 c 197 s 2 are each amended to read as follows:

(1) As provided under subsections (2) and (3) of this section, individuals certified by the professional educator standards board as a school nurse, school social worker, school psychologist, or school counselor must complete a training program on identifying and referring students who are at risk for substance abuse, violence, and youth suicide ((~~screening and referral~~)), including utilizing teleconsultation, as a condition of certification. The training program must be at least three hours in length. The professional educator standards board must adopt standards for the minimum content of the training in consultation with the office of the superintendent of public instruction and the department of health. In developing the standards, the board must consider training programs listed on the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(2) This section applies to the following certificates if the certificate is first issued or is renewed on or after July 1, ((~~2015~~)) 2020:

(a) Continuing certificates for school nurses;

(b) Continuing certificates for school social workers;

(c) Continuing and professional certificates for school psychologists; and

(d) Continuing and professional certificates for school counselors.

(3) A school counselor who holds or submits a school counseling certificate from the national board for professional teaching standards or a school psychologist who holds or submits a school psychologist certificate from the national association of school psychologists in lieu of a professional certificate must complete the training program under subsection (1) of this section by July 1, ((~~2015~~)) 2020, or within the five-year period before the certificate is first submitted to the professional educator standards board, whichever is later, and at least once every five years thereafter in order to be considered certified by the professional educator standards board.

(4) The professional educator standards board shall ((~~consider the training program under subsection (1) of this section as approved continuing education under RCW 28A.415.020 and shall~~)) count the training program under subsection (1) of this section toward meeting continuing education requirements for certification as a school nurse, school social worker, school psychologist, or school counselor.

**Sec.**  RCW 28A.410.035 and 2013 c 197 s 3 and 2013 c 10 s 2 are each reenacted and amended to read as follows:

(1) To receive initial certification as a teacher in this state after August 31, 1991, an applicant shall have successfully completed a course on issues of abuse. The content of the course shall discuss the identification of physical abuse, emotional abuse, sexual abuse, and substance abuse; commercial sexual abuse of a minor, as defined in RCW 9.68A.100; sexual exploitation of a minor, as defined in RCW 9.68A.040; information on the impact of abuse on the behavior and learning abilities of students; discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse; and methods for teaching students about abuse of all types and their prevention.

(2) The professional educator standards board shall incorporate into the content required for the course under this section, knowledge and skill standards pertaining to recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. The course must also include the training curriculum created under section 2 of this act. To receive initial certification after August 31, ((~~2014~~)) 2020, an applicant must have successfully completed a course that includes the content of this subsection. The board shall consult with the office of the superintendent of public instruction and the department of health in developing the standards.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.400 RCW to read as follows:

(1) Beginning in the 2021-22 school year, school districts shall require all certificated and classified employees at each school to receive training based on the curriculum developed under section 2 of this act.

(2) The training required under this section may be incorporated within existing training programs and related resources.

NEW SECTION. **Sec.**  This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**--- END ---**