

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE HOUSE BILL 1915**

Chapter 29, Laws of 1991

52nd Legislature  
1991 Regular Session

MENTAL HEALTH SERVICES--EMPLOYMENT SERVICES TO BE PROVIDED

EFFECTIVE DATE: 7/28/91

Passed by the House March 19, 1991  
Yeas 98 Nays 0

JOE KING  
Speaker of the  
House of Representatives

Passed by the Senate April 10, 1991  
Yeas 44 Nays 0

ALAN BLUECHEL  
President of the Senate

Approved April 22, 1991

BOOTH GARDNER  
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1915** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON  
Chief Clerk

FILED

April 22, 1991 - 1:30 p.m.

Secretary of State  
State of Washington



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**SUBSTITUTE HOUSE BILL 1915**

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Passed Legislature - 1991 Regular Session

**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Human Services (originally sponsored by Representatives R. King, Prentice, Morris, Prince, Nealey, Ogden and Chandler).

Read first time March 6, 1991.

1            AN ACT Relating to employment services in mental health programs;  
2 and amending RCW 71.24.035, 71.24.045, and 71.24.300.

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

4            **Sec. 1.** RCW 71.24.035 and 1990 1st ex.s. c 8 s 1 are each amended  
5 to read as follows:

6            (1) The department is designated as the state mental health  
7 authority.

8            (2) The secretary may provide for public, client, and licensed  
9 service provider participation in developing the state mental health  
10 program.

11            (3) The secretary shall provide for participation in developing the  
12 state mental health program for children and other underserved  
13 populations, by including representatives on any committee established  
14 to provide oversight to the state mental health program.

1 (4) The secretary shall be designated as the county authority if a  
2 county fails to meet state minimum standards or refuses to exercise  
3 responsibilities under RCW 71.24.045.

4 (5) The secretary shall:

5 (a) Develop a biennial state mental health program that  
6 incorporates county biennial needs assessments and county mental health  
7 service plans and state services for mentally ill adults and children.  
8 The secretary may also develop a six-year state mental health plan;

9 (b) Assure that any county community mental health program provides  
10 access to treatment for the county's residents in the following order  
11 of priority: (i) The acutely mentally ill; (ii) the chronically  
12 mentally ill; and (iii) the seriously disturbed. Such programs shall  
13 provide:

14 (A) Outpatient services;

15 (B) Emergency care services for twenty-four hours per day;

16 (C) Day treatment for mentally ill persons which includes training  
17 in basic living and social skills, supported work, vocational  
18 rehabilitation, and day activities. Such services may include  
19 therapeutic treatment. In the case of a child, day treatment includes  
20 age-appropriate basic living and social skills, educational and  
21 prevocational services, day activities, and therapeutic treatment;

22 (D) Screening for patients being considered for admission to state  
23 mental health facilities to determine the appropriateness of admission;

24 (E) Employment services, which may include supported employment,  
25 transitional work, placement in competitive employment, and other work-  
26 related services, that result in mentally ill persons becoming engaged  
27 in meaningful and gainful full or part-time work. Other sources of  
28 funding such as the division of vocational rehabilitation may be  
29 utilized by the secretary to maximize federal funding and provide for  
30 integration of services;

1        ~~(F)~~ Consultation and education services; and

2        ~~((F))~~ (G) Community support services;

3        (c) Develop and promulgate rules establishing state minimum  
4 standards for the delivery of mental health services including, but not  
5 limited to:

6        (i) Licensed service providers;

7        (ii) Regional support networks; and

8        (iii) Residential and inpatient services, evaluation and treatment  
9 services and facilities under chapter 71.05 RCW, resource management  
10 services, and community support services;

11        (d) Assure that the special needs of minorities, the elderly,  
12 disabled, children, and low-income persons are met within the  
13 priorities established in this section;

14        (e) Establish a standard contract or contracts, consistent with  
15 state minimum standards, which shall be used by the counties;

16        (f) Establish, to the extent possible, a standardized auditing  
17 procedure which minimizes paperwork requirements of county authorities  
18 and licensed service providers;

19        (g) Develop and maintain an information system to be used by the  
20 state, counties, and regional support networks when they are  
21 established which shall include a tracking method which allows the  
22 department and regional support networks to identify mental health  
23 clients' participation in any mental health service or public program  
24 on an immediate basis. The information system shall not include  
25 individual patient's case history files. Confidentiality of client  
26 information and records shall be maintained as provided in this chapter  
27 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and  
28 71.05.440. The system shall be fully operational no later than January  
29 1, 1993: PROVIDED, HOWEVER, That when a regional support network is  
30 established, the department shall have an operational interim tracking

1 system for that network that will be adequate for the regional support  
2 network to perform its required duties under this chapter;

3 (h) License service providers who meet state minimum standards;

4 (i) Certify regional support networks that meet state minimum  
5 standards;

6 (j) Periodically inspect certified regional support networks and  
7 licensed service providers at reasonable times and in a reasonable  
8 manner; and

9 (k) Fix fees to be paid by evaluation and treatment centers to the  
10 secretary for the required inspections;

11 (l) Monitor and audit counties, regional support networks, and  
12 licensed service providers as needed to assure compliance with  
13 contractual agreements authorized by this chapter;

14 (m) Prior to September 1, 1989, adopt such rules as are necessary  
15 to implement the department's responsibilities under this chapter  
16 pursuant to chapter 34.05 RCW: PROVIDED, That such rules shall be  
17 submitted to the appropriate committees of the legislature for review  
18 and comment prior to adoption; and

19 (n) Beginning July 1, 1989, and continuing through July 1, 1993,  
20 track by region and county the use and cost of state hospital and local  
21 evaluation and treatment facilities for seventy-two hour detention,  
22 fourteen, ninety, and one hundred eighty day commitments pursuant to  
23 chapter 71.05 RCW, voluntary care in state hospitals, and voluntary  
24 community inpatient care covered by the medical assistance program.  
25 Service use and cost reports shall be provided to regions in a timely  
26 fashion at six-month intervals.

27 (6) The secretary shall use available resources appropriated  
28 specifically for community mental health programs only for programs  
29 under RCW 71.24.045. After July 1, 1995, or when regional support

1 networks are established, available resources may be used only for  
2 regional support networks.

3 (7) Each certified regional support network and licensed service  
4 provider shall file with the secretary, on request, such data,  
5 statistics, schedules, and information as the secretary reasonably  
6 requires. A certified regional support network or licensed service  
7 provider which, without good cause, fails to furnish any data,  
8 statistics, schedules, or information as requested, or files fraudulent  
9 reports thereof, may have its certification or license revoked or  
10 suspended.

11 (8) The secretary may suspend, revoke, limit, or restrict a  
12 certification or license, or refuse to grant a certification or license  
13 for failure to conform to the law, applicable rules and regulations, or  
14 applicable standards, or failure to meet the minimum standards  
15 established pursuant to this section.

16 (9) The superior court may restrain any regional support network or  
17 service provider from operating without certification or a license or  
18 any other violation of this section. The court may also review,  
19 pursuant to procedures contained in chapter 34.05 RCW, any denial,  
20 suspension, limitation, restriction, or revocation of certification or  
21 license, and grant other relief required to enforce the provisions of  
22 this chapter.

23 (10) Upon petition by the secretary, and after hearing held upon  
24 reasonable notice to the facility, the superior court may issue a  
25 warrant to an officer or employee of the secretary authorizing him or  
26 her to enter at reasonable times, and examine the records, books, and  
27 accounts of any regional support network or service provider refusing  
28 to consent to inspection or examination by the authority.

29 (11) The secretary shall adopt such rules as may be necessary to  
30 effectuate the intent and purposes of this chapter, which shall include

1 but not be limited to certification and licensing and other action  
2 relevant to certifying regional support networks and licensing service  
3 providers.

4 (12) Notwithstanding the existence or pursuit of any other remedy,  
5 the secretary may, in the manner provided by law, upon the advice of  
6 the attorney general who shall represent the secretary in the  
7 proceedings, maintain an action in the name of the state for an  
8 injunction or other process against any person or governmental unit to  
9 restrain or prevent the establishment, conduct, or operation of a  
10 regional support network or service provider without certification or  
11 a license under this chapter.

12 (13) The standards for certification of evaluation and treatment  
13 facilities shall include standards relating to maintenance of good  
14 physical and mental health and other services to be afforded persons  
15 pursuant to this chapter and chapter 71.05 RCW, and shall otherwise  
16 assure the effectuation of the purposes and intent of this chapter and  
17 chapter 71.05 RCW.

18 (14)(a) The department, in consultation with affected parties,  
19 shall establish a distribution formula that reflects county needs  
20 assessments based on the number of persons who are acutely mentally  
21 ill, chronically mentally ill, and seriously disturbed as defined in  
22 chapter 71.24 RCW. The formula shall take into consideration the  
23 impact on counties of demographic factors in counties which result in  
24 concentrations of priority populations as defined in subsection (15) of  
25 this section. These factors shall include the population  
26 concentrations resulting from commitments under the involuntary  
27 treatment act, chapter 71.05 RCW, to state psychiatric hospitals, as  
28 well as concentration in urban areas, at border crossings at state  
29 boundaries, and other significant demographic and workload factors.

1 (b) The department shall submit a proposed distribution formula in  
2 accordance with this section to the ways and means and health care and  
3 corrections committees of the senate and to the ways and means and  
4 human services committees of the house of representatives by October 1,  
5 1989. The formula shall also include a projection of the funding  
6 allocations that will result for each county, which specifies  
7 allocations according to priority populations, including the allocation  
8 for services to children and other underserved populations.

9 (15) To supersede duties assigned under subsection (5)(a) and (b)  
10 of this section, and to assure a county-based, integrated system of  
11 care for acutely mentally ill adults and children, chronically mentally  
12 ill adults and children, and seriously disturbed adults and children  
13 who are determined by regional support networks at their sole  
14 discretion to be at risk of becoming acutely or chronically mentally  
15 ill, the secretary shall encourage the development of regional support  
16 networks as follows:

17 By December 1, 1989, the secretary shall recognize regional support  
18 networks requested by counties or groups of counties.

19 All counties wishing to be recognized as a regional support network  
20 on December 1, 1989, shall submit their intentions regarding  
21 participation in the regional support networks by October 30, 1989,  
22 along with preliminary plans. Counties wishing to be recognized as a  
23 regional support network by January 1 of any year thereafter shall  
24 submit their intentions by October 30 of the previous year along with  
25 preliminary plans. The secretary shall assume all duties assigned to  
26 the nonparticipating counties under chapters 71.05 and 71.24 RCW on  
27 July 1, 1995. Such responsibilities shall include those which would  
28 have been assigned to the nonparticipating counties under regional  
29 support networks.

1       The implementation of regional support networks, or the secretary's  
2 assumption of all responsibilities under chapters 71.05 and 71.24 RCW,  
3 shall be included in all state and federal plans affecting the state  
4 mental health program including at least those required by this  
5 chapter, the medicaid program, and P.L. 99-660. Nothing in these plans  
6 shall be inconsistent with the intent and requirements of this chapter.

7       (16) The secretary shall:

8       (a) Disburse the first funds for the regional support networks that  
9 are ready to begin implementation by January 1, 1990, or within sixty  
10 days of approval of the biennial contract. The department must either  
11 approve or reject the biennial contract within sixty days of receipt.

12       (b) Enter into biennial contracts with regional support networks to  
13 begin implementation between January 1, 1990, and March 1, 1990, and  
14 complete implementation by June 1995. The contracts shall be  
15 consistent with available resources. No contract shall be approved  
16 that does not include progress toward meeting the goals of this chapter  
17 by taking responsibility for: (i) Short-term commitments; (ii)  
18 residential care; and (iii) emergency response systems.

19       (c) By July 1, 1993, allocate one hundred percent of available  
20 resources to regional support networks created by January 1, 1990, in  
21 a single grant. Regional support networks created by January 1, 1991,  
22 shall receive a single block grant by July 1, 1993; regional support  
23 networks created by January 1, 1992, shall receive a single block grant  
24 by July 1, 1994; and regional support networks created by January 1,  
25 1993, shall receive a single block grant by July 1, 1995. The grants  
26 shall include funds currently provided for all residential services,  
27 all services pursuant to chapter 71.05 RCW, and all community support  
28 services and shall be distributed in accordance with a formula  
29 submitted to the legislature by January 1, 1993, in accordance with  
30 subsection (14) of this section.

1 (d) By January 1, 1990, allocate available resources to regional  
2 support networks for community support services, resource management  
3 services, and residential services excluding evaluation and treatment  
4 facilities provided pursuant to chapter 71.05 RCW in a single grant  
5 using the distribution formula established in subsection (14) of this  
6 section.

7 (e) By March 1, 1990, or within sixty days of approval of the  
8 contract continuing through July 1, 1993, provide grants as  
9 specifically appropriated by the legislature to regional support  
10 networks for evaluation and treatment facilities for persons detained  
11 or committed for periods up to seventeen days according to chapter  
12 71.05 RCW. For regional support networks created by January 1, 1993,  
13 provide grants as specifically appropriated by the legislature to  
14 regional support networks for evaluation and treatment facilities for  
15 persons detained or committed for periods up to seventeen days  
16 according to chapter 71.05 RCW through July 1, 1995.

17 (f) Notify regional support networks of their allocation of  
18 available resources at least sixty days prior to the start of a new  
19 biennial contract period.

20 (g) Study and report to the legislature by December 1, 1989, on  
21 expanding the use of federal Title XIX funds and the definition of  
22 institutions for mental diseases to provide services to persons who are  
23 acutely mentally ill, chronically mentally ill, or at risk of becoming  
24 so. The study shall also include an assessment of the impact of Title  
25 XIX funds and the definition of institutions for mental diseases on the  
26 use of state funds to provide needed mental health services to the  
27 chronically mentally ill.

28 (h) Deny funding allocations to regional support networks based  
29 solely upon formal findings of noncompliance with the terms of the  
30 regional support network's contract with the department. Written

1 notice and at least thirty days for corrective action must precede any  
2 such action. In such cases, regional support networks shall have full  
3 rights to appeal under chapter 34.05 RCW.

4 (i) Identify in its departmental biennial operating and capital  
5 budget requests the funds requested by regional support networks to  
6 implement their responsibilities under this chapter.

7 (j) Contract to provide or, if requested, make grants to counties  
8 to provide technical assistance to county authorities or groups of  
9 county authorities to develop regional support networks.

10 (17) The department of social and health services, in cooperation  
11 with the state congressional delegation, shall actively seek waivers of  
12 federal requirements and such modifications of federal regulations as  
13 are necessary to allow federal medicaid reimbursement for services  
14 provided by free-standing evaluation and treatment facilities certified  
15 under chapter 71.05 RCW. The department shall periodically report its  
16 efforts to the health care and corrections committee of the senate and  
17 the human services committee of the house of representatives.

18 (18) The secretary shall establish a task force to examine the  
19 recruitment, training, and compensation of qualified mental health  
20 professionals in the community, which shall include the advantages and  
21 disadvantages of establishing a training academy, loan forgiveness  
22 program, or educational stipends offered in exchange for commitments of  
23 employment in mental health. The task force shall report back to the  
24 appropriate committees of the legislature by January 1, 1990.

25 **Sec. 2.** RCW 71.24.045 and 1989 c 205 s 4 are each amended to read  
26 as follows:

27 The county authority shall:

28 (1) Submit biennial needs assessments beginning January 1, 1983,  
29 and mental health service plans which incorporate all services provided

1 for by the county authority consistent with state minimum standards and  
2 which provide access to treatment for the county's residents including  
3 children and other underserved populations who are acutely mentally  
4 ill, chronically mentally ill, or seriously disturbed. The county  
5 program shall provide:

6 (a) Outpatient services;

7 (b) Emergency care services for twenty-four hours per day;

8 (c) Day treatment for mentally ill persons which includes training  
9 in basic living and social skills, supported work, vocational  
10 rehabilitation, and day activities. Such services may include  
11 therapeutic treatment. In the case of a child, day treatment includes  
12 age-appropriate basic living and social skills, educational and  
13 prevocational services, day activities, and therapeutic treatment;

14 (d) Screening for patients being considered for admission to state  
15 mental health facilities to determine appropriateness of admission;

16 (e) Employment services, which may include supported employment,  
17 transitional work, placement in competitive employment, and other work-  
18 related services, that result in mentally ill persons becoming engaged  
19 in meaningful and gainful full or part-time work;

20 (f) Consultation and education services;

21 ~~((f))~~ (g) Residential and inpatient services, if the county  
22 chooses to provide such optional services; and

23 ~~((g))~~ (h) Community support services.

24 The county shall develop the biennial needs assessment based on  
25 clients to be served, services to be provided, and the cost of those  
26 services, and may include input from the public, clients, and licensed  
27 service providers. Each county authority may appoint a county mental  
28 health advisory board which shall review and provide comments on plans  
29 and policies developed by the county authority under this chapter. The  
30 composition of the board shall be broadly representative of the

1 demographic character of the county and the mentally ill persons served  
2 therein. Length of terms of board members shall be determined by the  
3 county authority;

4 (2) Contract as needed with licensed service providers. The county  
5 authority may, in the absence of a licensed service provider entity,  
6 become a licensed service provider entity pursuant to minimum standards  
7 required for licensing by the department for the purpose of providing  
8 services not available from licensed service providers;

9 (3) Operate as a licensed service provider if it deems that doing  
10 so is more efficient and cost effective than contracting for services.  
11 When doing so, the county authority shall comply with rules promulgated  
12 by the secretary that shall provide measurements to determine when a  
13 county provided service is more efficient and cost effective.

14 (4) Monitor and perform biennial fiscal audits of licensed service  
15 providers who have contracted with the county to provide services  
16 required by this chapter. The monitoring and audits shall be performed  
17 by means of a formal process which insures that the licensed service  
18 providers and professionals designated in this subsection meet the  
19 terms of their contracts, including the minimum standards of service  
20 delivery as established by the department;

21 (5) Assure that the special needs of minorities, the elderly,  
22 disabled, children, and low-income persons are met within the  
23 priorities established in this chapter;

24 (6) Maintain patient tracking information in a central location as  
25 required for resource management services;

26 (7) Use not more than two percent of state-appropriated community  
27 mental health funds, which shall not include federal funds, to  
28 administer community mental health programs under RCW 71.24.155:  
29 PROVIDED, That county authorities serving a county or combination of  
30 counties whose population is equal to or greater than that of a county

1 of the first class may be entitled to sufficient state-appropriated  
2 community mental health funds to employ up to one full-time employee or  
3 the equivalent thereof in addition to the two percent limit established  
4 in this subsection when such employee is providing staff services to a  
5 county mental health advisory board;

6 (8) Coordinate services for individuals who have received services  
7 through the community mental health system and who become patients at  
8 a state mental hospital.

9 **Sec. 3.** RCW 71.24.300 and 1989 c 205 s 5 are each amended to read  
10 as follows:

11 A county authority or a group of county authorities whose combined  
12 population is no less than forty thousand may enter into a joint  
13 operating agreement to form a regional support network. The roles and  
14 responsibilities of county authorities shall be determined by the terms  
15 of that agreement and the provisions of law. The state mental health  
16 authority may not determine the roles and responsibilities of county  
17 authorities as to each other under regional support networks by rule,  
18 except to assure that all duties required of regional support networks  
19 are assigned and that a single authority has final responsibility for  
20 all available resources and performance under the regional support  
21 network's contract with the secretary.

22 (1) Regional support networks shall within three months of  
23 recognition submit an overall six-year operating and capital plan,  
24 timeline, and budget and submit progress reports and an updated two-  
25 year plan biennially thereafter, to assume within available resources  
26 all of the following duties by July 1, 1995, instead of those presently  
27 assigned to counties under RCW 71.24.045(1):

1 (a) Administer and provide for the availability of all resource  
2 management services, residential services, and community support  
3 services.

4 (b) Administer and provide for the availability of all  
5 investigation, transportation, court-related, and other services  
6 provided by the state or counties pursuant to chapter 71.05 RCW.

7 (c) By July 1, 1993, provide within the boundaries of each regional  
8 support network evaluation and treatment services for at least eighty-  
9 five percent of persons detained or committed for periods up to  
10 seventeen days according to chapter 71.05 RCW. Regional support  
11 networks with populations of less than one hundred fifty thousand may  
12 contract to purchase evaluation and treatment services from other  
13 networks. For regional support networks that are created after June  
14 30, 1991, the requirements of (c) of this subsection must be met by  
15 July 1, 1995.

16 (d) By July 1, 1993, administer a portion of funds appropriated by  
17 the legislature to house mentally ill persons in state institutions  
18 from counties within the boundaries of any regional support network,  
19 with the exception of mentally ill offenders, and provide for the care  
20 of all persons needing evaluation and treatment services for periods up  
21 to seventeen days according to chapter 71.05 RCW in appropriate  
22 residential services, which may include state institutions. The  
23 regional support networks shall reimburse the state for use of state  
24 institutions at a rate equal to that assumed by the legislature when  
25 appropriating funds for such care at state institutions during the  
26 biennium when reimbursement occurs. The duty of a state hospital to  
27 accept persons for evaluation and treatment under chapter 71.05 RCW is  
28 limited by the responsibilities assigned to regional support networks  
29 under this section. For regional support networks that are created

1 after June 30, 1991, the requirements of (d) of this subsection must be  
2 met by July 1, 1995.

3 (e) Administer and provide for the availability of all other mental  
4 health services, which shall include patient counseling, day treatment,  
5 consultation, education services, employment services as defined in RCW  
6 71.24.035, and mental health services to children as provided in this  
7 chapter.

8 (f) Establish standards and procedures for reviewing individual  
9 service plans and determining when that person may be discharged from  
10 resource management services.

11 (2) Regional support networks shall assume all duties assigned to  
12 county authorities by this chapter and chapter 71.05 RCW.

13 (3) A regional support network may request that any state-owned  
14 land, building, facility, or other capital asset which was ever  
15 purchased, deeded, given, or placed in trust for the care of the  
16 mentally ill and which is within the boundaries of a regional support  
17 network be made available to support the operations of the regional  
18 support network. State agencies managing such capital assets shall  
19 give first priority to requests for their use pursuant to this chapter.

20 (4) Each regional support network shall appoint a mental health  
21 advisory board which shall review and provide comments on plans and  
22 policies developed under this chapter. The composition of the board  
23 shall be broadly representative of the demographic character of the  
24 region and the mentally ill persons served therein. Length of terms of  
25 board members shall be determined by the regional support network.

26 (5) Regional support networks shall assume all duties specified in  
27 their plans and joint operating agreements through biennial contractual  
28 agreements with the secretary.

29 (6) Counties or groups of counties participating in a regional  
30 support network are not subject to RCW 71.24.045(7). The office of

1 financial management shall consider information gathered in studies  
2 required in this chapter and information about the experience of other  
3 states to propose a mental health services administrative cost lid to  
4 the 1991 legislature which shall include administrative costs of  
5 licensed service providers, the state psychiatric hospitals and the  
6 department.

7 (7) The first regional support network contract may include a pilot  
8 project to: Establish standards and procedures for (a) making  
9 referrals for comprehensive medical examinations and treatment programs  
10 for those whose mental illness is caused or exacerbated by organic  
11 disease, and (b) training staff in recognizing the relationship between  
12 mental illness and organic disease.

Passed the House March 19, 1991.

Passed the Senate April 10, 1991.

Approved by the Governor April 22, 1991.

Filed in Office of Secretary of State April 22, 1991.