

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6319

Chapter 230, Laws of 1992
(partial veto)

52nd Legislature
1992 Regular Session

PLACEMENT OF MENTALLY DISORDERED PERSONS--REVISIONS

EFFECTIVE DATE: 6/11/92 - Except Sections 1 & 2 which take effect on 4/2/92; and Section 5 which takes effect on 7/1/95.

Passed by the Senate March 12, 1992
Yeas 47 Nays 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 11, 1992
Yeas 97 Nays 0

JOE KING

**Speaker of the
House of Representatives**

Approved April 2, 1992, with the exception of sections 4 and 7, which are vetoed.

BOOTH GARDNER

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6319** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB

Secretary

FILED

April 2, 1992 - 12:26 p.m.

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6319

AS AMENDED BY THE HOUSE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By Senators Niemi, West, Wojahn and Bailey

Read first time 01/24/92. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the placement of people with disabilities;
2 amending RCW 72.23.025; reenacting and amending RCW 71.24.035,
3 71.24.045, and 71.24.300; adding a new section to chapter 72.23 RCW;
4 creating a new section; repealing RCW 72.06.010, 72.06.050, 72.06.060,
5 and 72.06.070; providing an effective date; and declaring an emergency.

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

7 **Sec. 1.** RCW 72.23.025 and 1989 c 205 s 21 are each amended to read
8 as follows:

9 (1) It is the intent of the legislature to improve the quality of
10 service at state hospitals, eliminate overcrowding, and more
11 specifically define the role of the state hospitals. The legislature
12 intends that eastern and western state hospitals shall become clinical
13 centers for handling the most complicated long-term care needs of
14 patients with a primary diagnosis of mental disorder. Over the next

1 six years, their involvement in providing short-term (~~and~~), acute
2 care, and less complicated long-term care shall be diminished in
3 accordance with the revised responsibilities for mental health care
4 under chapter 71.24 RCW. To this end, the legislature intends that
5 funds appropriated for mental health programs, including funds for
6 regional support networks and the state hospitals be used for persons
7 with primary diagnosis of mental disorder. The legislature finds that
8 establishment of the eastern state hospital board, the western state
9 hospital board, and institutes for the study and treatment of mental
10 disorders at both eastern state hospital and western state hospital
11 will be instrumental in implementing the legislative intent.

12 (2)(a) The eastern state hospital board and the western state
13 hospital board are each established. Members of the boards shall be
14 appointed by the governor with the consent of the senate. Each board
15 shall include:

16 (i) The director of the institute for the study and treatment of
17 mental disorders established at the hospital;

18 (ii) One family member of a current or recent hospital resident;

19 (iii) One consumer of services;

20 (iv) One community mental health service provider;

21 (v) Two citizens with no financial or professional interest in
22 mental health services;

23 (vi) One representative of the regional support network in which
24 the hospital is located;

25 (vii) One representative from the staff who is a physician;

26 (viii) One representative from the nursing staff;

27 (ix) One representative from the other professional staff;

28 (x) One representative from the nonprofessional staff; and

29 (xi) One representative of a minority community.

1 (b) At least one representative listed in (a) (viii), (ix), or (x)
2 of this subsection shall be a union member.

3 (c) Members shall serve four-year terms. Members of the board
4 shall be reimbursed for travel expenses as provided in RCW 43.03.050
5 and 43.03.060 and shall receive compensation as provided in RCW
6 43.03.240.

7 (3) The boards established under this section shall:

8 (a) Monitor the operation and activities of the hospital;

9 (b) Review and advise on the hospital budget;

10 (c) Make recommendations to the governor and the legislature for
11 improving the quality of service provided by the hospital;

12 (d) Monitor and review the activities of the hospital in
13 implementing the intent of the legislature set forth in this section;

14 (e) Report periodically to the governor and the legislature on the
15 implementation of the legislative intent set forth in this section; and

16 (f) Consult with the secretary regarding persons the secretary may
17 select as the superintendent of the hospital whenever a vacancy occurs.

18 (4)(a) There is established at eastern state hospital and western
19 state hospital, institutes for the study and treatment of mental
20 disorders. The institutes shall be operated by joint operating
21 agreements between state colleges and universities and the department
22 of social and health services. The institutes are intended to conduct
23 training, research, and clinical program development activities that
24 will directly benefit mentally ill persons receiving treatment in
25 Washington state by performing the following activities:

26 (i) Promote recruitment and retention of highly qualified
27 professionals at the state hospitals and community mental health
28 programs;

1 (ii) Improve clinical care by exploring new, innovative, and
2 scientifically based treatment models for persons presenting
3 particularly difficult and complicated clinical syndromes;

4 (iii) Provide expanded training opportunities for existing staff at
5 the state hospitals and community mental health programs;

6 (iv) Promote bilateral understanding of treatment orientation,
7 possibilities, and challenges between state hospital professionals and
8 community mental health professionals.

9 (b) To accomplish these purposes the institutes may, within funds
10 appropriated for this purpose:

11 (i) Enter joint operating agreements with state universities or
12 other institutions of higher education to accomplish the placement and
13 training of students and faculty in psychiatry, psychology, social
14 work, occupational therapy, nursing, and other relevant professions at
15 the state hospitals and community mental health programs;

16 (ii) Design and implement clinical research projects to improve the
17 quality and effectiveness of state hospital services and operations;

18 (iii) Enter into agreements with community mental health service
19 providers to accomplish the exchange of professional staff between the
20 state hospitals and community mental health service providers;

21 (iv) Establish a student loan forgiveness and conditional
22 scholarship program to retain qualified professionals at the state
23 hospitals and community mental health providers when the
24 ((~~superintendent~~)) secretary has determined a shortage of such
25 professionals exists.

26 (c) Notwithstanding any other provisions of law to the contrary,
27 the institutes may enter into agreements with the department or the
28 state hospitals which may involve changes in staffing necessary to
29 implement improved patient care programs contemplated by this section.

1 (d) The institutes are authorized to seek and accept public or
2 private gifts, grants, contracts, or donations to accomplish their
3 purposes under this section.

4 ~~((5) The department shall review the diagnoses and treatment
5 history of hospital patients and create a plan to locate
6 inappropriately placed persons into medicaid reimbursable nursing homes
7 or other nonhospital settings. The plan shall be submitted to the
8 legislature by June 30, 1990.))~~

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.23 RCW
10 to read as follows:

11 The secretary shall develop a system of more integrated service
12 delivery, including incentives to discourage the inappropriate
13 placement of persons with developmental disabilities, head injury, and
14 substance abuse, at state mental hospitals and encourage their care in
15 community settings. By December 1, 1992, the department shall submit
16 an implementation strategy, including budget proposals, to the
17 appropriate committees of the legislature for this system.

18 Under the system, state, local, or community agencies may be given
19 financial or other incentives to develop appropriate crisis
20 intervention and community care arrangements.

21 The secretary may establish specialized care programs for persons
22 described in this section on the grounds of the state hospitals. Such
23 programs may operate according to professional standards that do not
24 conform to existing federal or private hospital accreditation
25 standards.

26 NEW SECTION. **Sec. 3.** It is the intent of this act to:

1 (1) Focus, restate, and emphasize the legislature's commitment to
2 the mental health reform embodied in chapter 111, Laws of 1989 (SB
3 5400);

4 (2) Eliminate, or schedule for repeal, statutes that are no longer
5 relevant to the regulation of the state's mental health program; and

6 (3) Reaffirm the state's commitment to provide incentives that
7 reduce reliance on inappropriate state hospital or other inpatient
8 care.

19 **Sec. 4. RCW 71.24.035 and 1991 c 306 s 3, 1991 c 262 s 1, and 1991
11 c 29 s 1 are each reenacted and amended to read as follows:*

12 *(1) The department is designated as the state mental health
13 authority.*

14 *(2) The secretary may provide for public, client, and licensed
15 service provider participation in developing the state mental health
16 program.*

17 *(3) The secretary shall provide for participation in developing the
18 state mental health program for children and other underserved
19 populations, by including representatives on any committee established
20 to provide oversight to the state mental health program.*

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

24 *(5) The secretary shall:*

25 *(a) (~~Develop a biennial state mental health program that
26 incorporates county biennial needs assessments and county mental health
27 service plans and state services for mentally ill adults and children.
28 The secretary may also develop a six-year state mental health plan;~~*

29 *(b)) Assure that any county community mental health program
30 provides access to treatment for the county's residents in the*

1 following order of priority: (i) The acutely mentally ill; (ii)
2 chronically mentally ill adults and severely emotionally disturbed
3 children; and (iii) the seriously disturbed. Such programs shall
4 provide:

5 (A) Outpatient services;

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

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

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

15 (E) Employment services, which may include supported employment,
16 transitional work, placement in competitive employment, and other
17 work-related services, that result in mentally ill persons becoming
18 engaged in meaningful and gainful full or part-time work. Other
19 sources of funding such as the division of vocational rehabilitation
20 may be utilized by the secretary to maximize federal funding and
21 provide for integration of services;

22 (F) Consultation and education services; and

23 (G) Community support services;

24 ~~((e))~~ (b) Develop and promulgate rules establishing state minimum
25 standards for the delivery of mental health services including, but not
26 limited to:

27 (i) Licensed service providers;

28 (ii) Regional support networks; and

1 (iii) Residential and inpatient services, evaluation and treatment
2 services and facilities under chapter 71.05 RCW, resource management
3 services, and community support services;

4 ~~((d))~~ (c) Assure that the special needs of minorities, the
5 elderly, disabled, children, and low-income persons are met within the
6 priorities established in this section;

7 ~~((e))~~ (d) Establish a standard contract or contracts, consistent
8 with state minimum standards, which shall be used by the counties;

9 ~~((f))~~ (e) Establish, to the extent possible, a standardized
10 auditing procedure which minimizes paperwork requirements of county
11 authorities and licensed service providers;

12 ~~((g))~~ (f) Develop and maintain an information system to be used
13 by the state, counties, and regional support networks when they are
14 established which shall include a tracking method which allows the
15 department and regional support networks to identify mental health
16 clients' participation in any mental health service or public program
17 on an immediate basis. The information system shall not include
18 individual patient's case history files. Confidentiality of client
19 information and records shall be maintained as provided in this chapter
20 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and
21 71.05.440. The state-operated system shall be fully operational no
22 later than January 1, 1993~~((:—PROVIDED, HOWEVER, That when a regional~~
23 ~~support network is established, the department shall have an~~
24 ~~operational interim tracking system for that network that will be~~
25 ~~adequate for the regional support network to perform its required~~
26 ~~duties under this chapter))~~ and a regional support network system shall
27 be fully operational by June 30, 1993;

28 ~~((h))~~ (g) License service providers who meet state minimum
29 standards;

1 ~~((i))~~ (h) Certify regional support networks that meet state
2 minimum standards;

3 ~~((j))~~ (i) Periodically inspect certified regional support
4 networks and licensed service providers at reasonable times and in a
5 reasonable manner; and

6 ~~((k))~~ (j) Fix fees to be paid by evaluation and treatment centers
7 to the secretary for the required inspections;

8 ~~((l))~~ (k) Monitor and audit counties, regional support networks,
9 and licensed service providers as needed to assure compliance with
10 contractual agreements authorized by this chapter;

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

16 ~~(n) Beginning July 1, 1989, and continuing through July 1, 1993,))~~ i

17 (m) Track by region and county, diagnosis, and to the extent
18 information is available, eligibility for state funded nonmental health
19 services, the use and cost of state hospital and local evaluation and
20 treatment facilities for seventy-two hour detention, fourteen, ninety,
21 and one hundred eighty day commitments pursuant to chapter 71.05 RCW,
22 voluntary care in state hospitals, and voluntary community inpatient
23 care covered by the medical assistance program. Service use and cost
24 reports shall be provided to regions and appropriate operating
25 divisions of the department in a timely fashion at six-month intervals;
26 and

27 (n) Administer a fund that may be appropriated by the legislature
28 from state hospital and regional support network funds to enhance
29 contracts with regional support networks that agree to provide periods
30 of stable community living according to RCW 71.24.300(5).

1 (6) The secretary shall use available resources appropriated
2 specifically for community mental health programs only for ((programs
3 under RCW 71.24.045. After July 1, 1995, or when regional support
4 networks are established, available resources may be used only for))
5 regional support networks.

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

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

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

26 (10) Upon petition by the secretary, and after hearing held upon
27 reasonable notice to the facility, the superior court may issue a
28 warrant to an officer or employee of the secretary authorizing him or
29 her to enter at reasonable times, and examine the records, books, and

1 accounts of any regional support network or service provider refusing
2 to consent to inspection or examination by the authority.

3 (11) The secretary shall adopt such rules as may be necessary to
4 effectuate the intent and purposes of this chapter, which shall include
5 but not be limited to certification and licensing and other action
6 relevant to certifying regional support networks and licensing service
7 providers.

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

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

22 (14)((~~a~~)) The department, in consultation with affected parties,
23 shall establish a distribution formula that reflects county needs
24 assessments based on the number of persons who are acutely mentally
25 ill, chronically mentally ill, severely emotionally disturbed, and
26 seriously disturbed as defined in chapter 71.24 RCW. The formula shall
27 take into consideration the impact on counties of demographic factors
28 in counties which result in concentrations of priority populations as
29 defined in subsection (15) of this section. These factors shall
30 include the population concentrations resulting from commitments under

1 the involuntary treatment act, chapter 71.05 RCW, to state psychiatric
2 hospitals, as well as concentration in urban areas, at border crossings
3 at state boundaries, and other significant demographic and workload
4 factors. Beginning with the contracting period July 1, 1993, the
5 funding formula for participating regional support networks may include
6 a factor related to use of state hospitals.

7 ~~((b) The department shall submit a proposed distribution formula~~
8 ~~in accordance with this section to the ways and means and health and~~
9 ~~long-term care committees of the senate and to the ways and means and~~
10 ~~human services committees of the house of representatives by October 1,~~
11 ~~1991. The formula shall also include a projection of the funding~~
12 ~~allocations that will result for each county, which specifies~~
13 ~~allocations according to priority populations, including the allocation~~
14 ~~for services to children and other underserved populations.))~~

15 (15) To ~~((supersede duties assigned under subsection (5) (a) and~~
16 ~~(b) of this section, and to))~~ assure a county-based, integrated system
17 of care for acutely mentally ill adults and children, chronically
18 mentally ill adults, severely emotionally disturbed children, and
19 seriously disturbed adults and children who are determined by regional
20 support networks at their sole discretion to be at risk of becoming
21 acutely or chronically mentally ill, or severely emotionally disturbed,
22 the secretary shall encourage the development of regional support
23 networks as follows:

24 ~~((By December 1, 1989,))~~ The secretary shall recognize regional
25 support networks requested by counties or groups of counties.

26 ~~((All counties wishing to be recognized as a regional support~~
27 ~~network on December 1, 1989, shall submit their intentions regarding~~
28 ~~participation in the regional support networks by October 30, 1989,~~
29 ~~along with preliminary plans.))~~ Counties wishing to be recognized as
30 a regional support network by January 1 of any year ~~((thereafter))~~

1 shall submit their intentions by October 30 of the previous year along
2 with preliminary plans. The secretary shall assume all duties assigned
3 to the nonparticipating counties under chapters 71.05 and 71.24 RCW on
4 July 1, 1995, or sooner if requested by the county. Such
5 responsibilities shall include those which would have been assigned to
6 the nonparticipating counties under regional support networks.

7 The implementation of regional support networks, or the secretary's
8 assumption of all responsibilities under chapters 71.05 and 71.24 RCW,
9 shall be included in all state and federal plans, contracts, or
10 agreements affecting the state mental health program including at least
11 those required by this chapter, the medicaid program, and P.L. 99-660.
12 Nothing in these plans, contracts, or agreements shall be inconsistent
13 with the intent and requirements of this chapter.

14 (16) ~~((By January 1, 1992,))~~ The secretary shall provide available
15 resources to regional support networks to operate freestanding
16 evaluation and treatment facilities or for regional support networks to
17 contract with local hospitals to assure access for regional support
18 network patients. Any savings achieved through reduction in the use of
19 state or local hospital bed days, or free standing evaluation and
20 treatment facility bed days, shall be retained by the regional support
21 network, and may not be diverted to other state programs or purposes.

22 (17) The secretary shall:

23 (a) Disburse the first funds for the regional support networks
24 ~~((that are ready to begin implementation by January 1, 1990, or))~~
25 within sixty days of approval of the biennial contract. The department
26 must either approve or reject the biennial contract within sixty days
27 of receipt.

28 (b) Enter into biennial contracts with regional support networks to
29 ~~((begin implementation between January 1, 1990, and March 1, 1990,~~
30 ~~and)) complete implementation by June 1995. The contracts shall be~~

1 ~~consistent with available resources. No contract shall be approved~~
2 ~~that does not include progress toward meeting the goals of this chapter~~
3 ~~by taking responsibility for: (i) Short-term commitments; (ii)~~
4 ~~residential care; ((and)) (iii) ((emergency)) crisis response systems;~~
5 ~~and (iv) the return to the community of long-term state hospital~~
6 ~~patients who no longer need state hospital level care.~~

7 (c) By July 1, 1993, allocate one hundred percent of available
8 resources to regional support networks created by January 1, 1990, in
9 a single grant. Regional support networks created by January 1, 1991,
10 shall receive a single block grant by July 1, 1993; regional support
11 networks created by January 1, 1992, shall receive a single block grant
12 by July 1, 1994; and regional support networks created by January 1,
13 1993, shall receive a single block grant by July 1, 1995. The grants
14 shall include funds currently provided for all residential services,
15 all services pursuant to chapter 71.05 RCW, and all community support
16 services and shall be distributed in accordance with a formula
17 submitted to the legislature by January 1, 1993, in accordance with
18 subsection (14) of this section.

19 ~~(d) ((By January 1, 1990, allocate available resources to regional~~
20 ~~support networks for community support services, resource management~~
21 ~~services, and residential services excluding evaluation and treatment~~
22 ~~facilities provided pursuant to chapter 71.05 RCW in a single grant~~
23 ~~using the distribution formula established in subsection (14) of this~~
24 ~~section.~~

25 ~~(e) By March 1, 1990, or))~~ By August 1, 1992, report to the senate
26 committees on health and long-term care and ways and means and the
27 house committees on human services and appropriations options and
28 recommendations for using allowable medicaid payment systems and other
29 methods to support regionally managed mental health care.

1 (e) Within sixty days of approval of the contract continuing
2 through July 1, 1993, provide grants as specifically appropriated by
3 the legislature to regional support networks for evaluation and
4 treatment facilities for persons detained or committed for periods up
5 to seventeen days according to chapter 71.05 RCW. For regional support
6 networks created by January 1, 1993, provide grants as specifically
7 appropriated by the legislature to regional support networks for
8 evaluation and treatment facilities for persons detained or committed
9 for periods up to seventeen days according to chapter 71.05 RCW through
10 July 1, 1995.

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

14 (g) Deny funding allocations to regional support networks based
15 solely upon formal findings of noncompliance with the terms of the
16 regional support network's contract with the department. Written
17 notice and at least thirty days for corrective action must precede any
18 such action. In such cases, regional support networks shall have full
19 rights to appeal under chapter 34.05 RCW.

20 (h) Identify in its departmental biennial operating and capital
21 budget requests the funds requested by regional support networks to
22 implement their responsibilities under this chapter.

23 (i) Contract to provide or, if requested, make grants to counties
24 to provide technical assistance to county authorities or groups of
25 county authorities to develop regional support networks.

26 (18) The department of social and health services, in cooperation
27 with the state congressional delegation, shall actively seek waivers of
28 federal requirements and such modifications of federal regulations as
29 are necessary to allow (a) federal medicaid reimbursement for services
30 provided by free-standing evaluation and treatment facilities certified

1 under chapter 71.05 RCW and (b) regional support networks to retain
2 savings that accrue from their ability to avoid the use of medicaid or
3 state general fund reimbursed local hospital or state hospital bed
4 days. The department shall ((periodically)) report its efforts to the
5 health and long-term care ((and corrections)) committee of the senate
6 and the human services committee of the house of representatives by
7 January 1993.

8 ~~(19) ((The secretary shall establish a task force to examine the~~
9 ~~recruitment, training, and compensation of qualified mental health~~
10 ~~professionals in the community, which shall include the advantages and~~
11 ~~disadvantages of establishing a training academy, loan forgiveness~~
12 ~~program, or educational stipends offered in exchange for commitments of~~
13 ~~employment in mental health. The task force shall report back to the~~
14 ~~appropriate committees of the legislature by January 1, 1990)) The~~
15 department shall cooperate with other departments of state government
16 and its political subdivisions in the following manner:

17 (a) By disseminating educational information relating to the
18 prevention, diagnosis, early intervention, and treatment of mental
19 illness.

20 (b) Upon request therefor, by advising public officers,
21 organizations and agencies interested in the mental health of the
22 people of the state.

23 (20) The department and the several state hospitals for the
24 mentally ill shall cooperate with local mental health programs by
25 providing necessary information, recommendations relating to proper
26 after care for patients paroled or discharged from such institutions
27 and shall also supply the services of psychiatrists, psychologists and
28 other persons specialized in mental illness as they are available.

29 *Sec. 4 was vetoed, see message at end of chapter.

1 **Sec. 5.** RCW 71.24.045 and 1991 c 363 s 147 and 1991 c 306 s 5 are
2 each reenacted and amended to read as follows:

3 The county authority shall:

4 (1) ~~((Submit biennial needs assessments beginning January 1, 1983,~~
5 ~~and mental health service plans which incorporate all services provided~~
6 ~~for by the county authority consistent with state minimum standards and~~
7 ~~which provide access to treatment for the county's residents including~~
8 ~~children and other underserved populations who are acutely mentally~~
9 ~~ill, chronically mentally ill, severely emotionally disturbed, or~~
10 ~~seriously disturbed. The county program shall provide:~~

11 ~~(a) Outpatient services;~~

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

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

19 ~~(d) Screening for patients being considered for admission to state~~
20 ~~mental health facilities to determine appropriateness of admission;~~

21 ~~(e) Employment services, which may include supported employment,~~
22 ~~transitional work, placement in competitive employment, and other~~
23 ~~work-related services, that result in mentally ill persons becoming~~
24 ~~engaged in meaningful and gainful full or part-time work;~~

25 ~~(f) Consultation and education services;~~

26 ~~(g) Residential and inpatient services, if the county chooses to~~
27 ~~provide such optional services; and~~

28 ~~(h) Community support services.~~

29 The county shall develop the biennial needs assessment based on
30 clients to be served, services to be provided, and the cost of those

1 services, and may include input from the public, clients, and licensed
2 service providers. Each county authority may appoint a county mental
3 health advisory board which shall review and provide comments on plans
4 and policies developed by the county authority under this chapter. The
5 composition of the board shall be broadly representative of the
6 demographic character of the county and the mentally ill persons served
7 therein. Length of terms of board members shall be determined by the
8 county authority;

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

14 ((+3)) (2) Operate as a licensed service provider if it deems that
15 doing so is more efficient and cost effective than contracting for
16 services. When doing so, the county authority shall comply with rules
17 promulgated by the secretary that shall provide measurements to
18 determine when a county provided service is more efficient and cost
19 effective;

20 ((+4)) (3) Monitor and perform biennial fiscal audits of licensed
21 service providers who have contracted with the county to provide
22 services required by this chapter. The monitoring and audits shall be
23 performed by means of a formal process which insures that the licensed
24 service providers and professionals designated in this subsection meet
25 the terms of their contracts, including the minimum standards of
26 service delivery as established by the department;

27 ((+5)) (4) Assure that the special needs of minorities, the
28 elderly, disabled, children, and low-income persons are met within the
29 priorities established in this chapter;

1 (~~(6)~~) (5) Maintain patient tracking information in a central
2 location as required for resource management services;

3 (~~(7)~~) (6) Use not more than two percent of state-appropriated
4 community mental health funds, which shall not include federal funds,
5 to administer community mental health programs under RCW 71.24.155:
6 PROVIDED, That county authorities serving a county or combination of
7 counties whose population is one hundred twenty-five thousand or more
8 may be entitled to sufficient state-appropriated community mental
9 health funds to employ up to one full-time employee or the equivalent
10 thereof in addition to the two percent limit established in this
11 subsection when such employee is providing staff services to a county
12 mental health advisory board;

13 (~~(8)~~) (7) Coordinate services for individuals who have received
14 services through the community mental health system and who become
15 patients at a state mental hospital.

16 **Sec. 6.** RCW 71.24.300 and 1991 c 295 s 3, 1991 c 262 s 2, and 1991
17 c 29 s 3 are each reenacted and amended to read as follows:

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

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

7 (a) Administer and provide for the availability of all resource
8 management services, residential services, and community support
9 services.

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

13 (c) By July 1, 1993, provide within the boundaries of each regional
14 support network evaluation and treatment services for at least
15 eighty-five percent of persons detained or committed for periods up to
16 seventeen days according to chapter 71.05 RCW. Regional support
17 networks with populations of less than one hundred fifty thousand may
18 contract to purchase evaluation and treatment services from other
19 networks. Insofar as the original intent of serving persons in the
20 community is maintained, the secretary is authorized to approve
21 exceptions on a case-by-case basis to the requirement to provide
22 evaluation and treatment services within the boundaries of each
23 regional support network. Such exceptions are limited to contracts
24 with neighboring or contiguous regions. For regional support networks
25 that are created after June 30, 1991, the requirements of (c) of this
26 subsection must be met by July 1, 1995.

27 (d) By July 1, 1993, administer a portion of funds appropriated by
28 the legislature to house mentally ill persons in state institutions
29 from counties within the boundaries of any regional support network,
30 with the exception of mentally ill offenders, and provide for the care

1 of all persons needing evaluation and treatment services for periods up
2 to seventeen days according to chapter 71.05 RCW in appropriate
3 residential services, which may include state institutions. The
4 regional support networks shall reimburse the state for use of state
5 institutions at a rate equal to that assumed by the legislature when
6 appropriating funds for such care at state institutions during the
7 biennium when reimbursement occurs. The duty of a state hospital to
8 accept persons for evaluation and treatment under chapter 71.05 RCW is
9 limited by the responsibilities assigned to regional support networks
10 under this section. For regional support networks that are created
11 after June 30, 1991, the requirements of (d) of this subsection must be
12 met by July 1, 1995.

13 (e) Administer and provide for the availability of all other mental
14 health services, which shall include patient counseling, day treatment,
15 consultation, education services, employment services as defined in RCW
16 71.24.035, and mental health services to children as provided in this
17 chapter.

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

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

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

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

7 (5) Regional support networks shall assume all duties specified in
8 their plans and joint operating agreements through biennial contractual
9 agreements with the secretary. Such contracts may include agreements
10 to provide periods of stable community living and work or other day
11 activities for specific chronically mentally ill persons who have
12 completed commitments at state hospitals on ninety-day or one hundred
13 eighty-day civil commitments or who have been residents at state
14 hospitals for no less than one hundred eighty days within the previous
15 year. Periods of stable community living may involve acute care in
16 local evaluation and treatment facilities but may not involve use of
17 state hospitals.

18 (6) Counties or groups of counties participating in a regional
19 support network are not subject to RCW 71.24.045(7). The office of
20 financial management shall consider information gathered in studies
21 required in this chapter and information about the experience of other
22 states to propose a mental health services administrative cost lid to
23 the ((1991)) 1993 legislature which shall include administrative costs
24 of licensed service providers, the state psychiatric hospitals and the
25 department.

26 ~~(7) ((The first regional support network contract may include a~~
27 ~~pilot project to: Establish standards and procedures for (a) making~~
28 ~~referrals for comprehensive medical examinations and treatment programs~~
29 ~~for those whose mental illness is caused or exacerbated by organic~~

1 disease, and (b) training staff in recognizing the relationship between
2 mental illness and organic disease.

3 (8)) By November 1, 1991, and as part of each biennial plan
4 thereafter, each regional support network shall establish and submit to
5 the state, procedures and agreements to assure access to sufficient
6 additional local evaluation and treatment facilities to meet the
7 requirements of this chapter while reducing short-term admissions to
8 state hospitals. These shall be commitments to construct and operate,
9 or contract for the operation of, freestanding evaluation and treatment
10 facilities or agreements with local evaluation and treatment facilities
11 which shall include (a) required admission and treatment for short-term
12 inpatient care for any person enrolled in community support or
13 residential services, (b) discharge planning procedures, (c)
14 limitations on admissions or transfers to state hospitals, (d) adequate
15 psychiatric supervision, (e) prospective payment methods, and (f)
16 contractual assurances regarding referrals to local evaluation and
17 treatment facilities from regional support networks.

18 ((9)) (8) Regional support networks may receive technical
19 assistance from the housing trust fund and may identify and submit
20 projects for housing and housing support services to the housing trust
21 fund established under chapter 43.185 RCW. Projects identified or
22 submitted under this subsection must be fully integrated with the
23 regional support network six-year operating and capital plan, timeline,
24 and budget required by subsection (1) of this section.

25 *NEW SECTION. Sec. 7. *The following acts or parts of acts are*
26 *each repealed:*

27 (1) *RCW 72.06.010 and 1970 ex.s. c 18 s 59 & 1959 c 28 s 72.06.010;*

28 (2) *RCW 72.06.050 and 1977 ex.s. c 80 s 46 & 1959 c 28 s 72.06.050;*

1 (3) RCW 72.06.060 and 1979 c 141 s 185, 1977 ex.s. c 80 s 47, &
2 1959 c 28 s 72.06.060; and

3 (4) RCW 72.06.070 and 1959 c 28 s 72.06.070.

4 *Sec. 7 was vetoed, see message at end of chapter.

5 NEW SECTION. **Sec. 8.** Section 5 of this act shall take effect
6 July 1, 1995.

7 NEW SECTION. **Sec. 9.** Sections 1 and 2 of this act are
8 necessary for the immediate preservation of the public peace, health,
9 or safety, or support of the state government and its existing public
10 institutions, and shall take effect immediately.

Passed the Senate March 12, 1992.

Passed the House March 11, 1992.

Approved by the Governor April 2, 1992, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 2, 1992.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 4 and 7, Engrossed Senate Bill No. 6319 entitled:

"AN ACT Relating to the placement of people with disabilities."

Existing law mandates that regional support networks receive a portion of state mental hospital funds when they assume new responsibilities for short-term involuntary commitments. The Department of Social and Health Services and the regional support networks have been working for months to establish a formula to implement this funding change.

The language in section 4 creates a right to "any savings" achieved through reduction in use of hospital beds. This is not feasible to administer since it would require constant readjustment according to bed day use or some other factor. Neither regional support networks nor the state would retain any certainty as to their budgets. Unfair allocations between regions would be created. The effect would be a potential for ongoing litigation and tension between mental health regional support networks and the Department of Social and Health Services.

I am pleased with the remarkable achievements of the regional support networks and the Department of Social and Health Services in implementing mental health reform. The type of mandate contained in section 4 of this bill could interfere with that collaborative effort.

Section 7 of the bill would repeal statutes intended to be addressed in section 4.

For these reasons, I have vetoed sections 4 and 7 of Engrossed Senate Bill No. 6319.

With the exception of sections 4 and 7, Engrossed Senate Bill No. 6319 is approved."