

---

**SUBSTITUTE SENATE BILL 5918**

---

**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Sheldon, Hargrove, Quigley, Prentice, Rasmussen and Kohl)

Read first time 03/01/95.

1 AN ACT Relating to a single system of accountability for the mental  
2 health service delivery system; amending RCW 71.24.400, 71.24.405, and  
3 71.24.415; reenacting and amending RCW 71.24.025; and declaring an  
4 emergency.

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

6 **Sec. 1.** RCW 71.24.400 and 1994 c 259 s 1 are each amended to read  
7 as follows:

8 The legislature finds that the current complex set of federal,  
9 state, and local rules and regulations, audited and administered at  
10 multiple levels (~~of~~), which affect the community mental health  
11 service delivery system, focus primarily on the process of providing  
12 mental health services and do not sufficiently address consumer and  
13 system outcomes. To this extent, the legislature finds that the intent  
14 of RCW 71.24.015 related to reduced administrative layering,  
15 duplication, and reduced administrative costs need much more aggressive  
16 action.

17 **Sec. 2.** RCW 71.24.405 and 1994 c 259 s 2 are each amended to read  
18 as follows:

1 The department of social and health services shall establish a  
2 single comprehensive and collaborative project within regional support  
3 networks and with local mental health service providers aimed at  
4 creating innovative and streamlined community mental health service  
5 delivery systems, in order to carry out the purposes set forth in RCW  
6 71.24.400 and to capture the diversity of the community mental health  
7 service delivery system.

8 The project must accomplish the following:

9 (1) Identification, review, and cataloging of all rules,  
10 regulations, duplicative administrative and monitoring functions, and  
11 other requirements that currently lead to inefficiencies in the  
12 community mental health service delivery system and, if possible,  
13 eliminate the requirements;

14 (2) The systematic and incremental development of a single system  
15 of accountability for all ~~((appropriated funds used to provide))~~  
16 federal, state, and local funds provided to the community mental health  
17 ~~((services. Assessment must be made regarding the feasibility of also~~  
18 ~~including))~~ service delivery system. Systematic efforts should be made  
19 to include federal and local funds into the single system of  
20 accountability;

21 (3) The elimination of process regulations and related contract and  
22 reporting requirements. In place of the regulations and requirements,  
23 a set of outcomes for mental health adult and children clients  
24 according to chapter 71.24 RCW must be used to measure the performance  
25 of mental health service providers and regional support networks. Such  
26 outcomes shall focus on stabilizing out-of-home and hospital care,  
27 increasing stable community living, increasing age-appropriate  
28 activities, achieving family and consumer satisfaction with services,  
29 and system efficiencies;

30 (4) Evaluation of the feasibility of contractual agreements between  
31 the department of social and health services and regional support  
32 networks and mental health service providers that link financial  
33 incentives to the success or failure of mental health service providers  
34 and regional support networks to meet outcomes established for mental  
35 health service clients;

36 (5) The involvement of mental health consumers and their  
37 representatives in the pilot projects. Mental health consumers and  
38 their representatives will be involved in the development of outcome

1 standards for mental health clients and other related aspects of the  
2 pilot projects; and

3 (6) An independent evaluation component to measure the success of  
4 the projects.

5 **Sec. 3.** RCW 71.24.415 and 1994 c 259 s 4 are each amended to read  
6 as follows:

7 To carry out the purposes specified in RCW 71.24.400, the  
8 department of social and health services is encouraged to utilize its  
9 authority to immediately eliminate any unnecessary rules, regulations,  
10 standards, or contracts, to immediately eliminate duplication of audits  
11 or any other unnecessarily duplicated functions, and to seek any  
12 waivers of federal or state rules or regulations necessary to achieve  
13 the purpose of streamlining the community mental health service  
14 delivery system and infusing it with incentives that reward efficiency,  
15 positive outcomes for clients, and quality services.

16 **Sec. 4.** RCW 71.24.025 and 1994 sp.s. c 9 s 748 and 1994 c 204 s 1  
17 are each reenacted and amended to read as follows:

18 Unless the context clearly requires otherwise, the definitions in  
19 this section apply throughout this chapter.

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

22 (a) A mental disorder as defined in RCW 71.05.020(2) or, in the  
23 case of a child, as defined in RCW 71.34.020(12);

24 (b) Being gravely disabled as defined in RCW 71.05.020(1) or, in  
25 the case of a child, as defined in RCW 71.34.020(8); or

26 (c) Presenting a likelihood of serious harm as defined in RCW  
27 71.05.020(3) or, in the case of a child, as defined in RCW  
28 71.34.020(11).

29 (2) "Available resources" means those funds which shall be  
30 appropriated under this chapter by the legislature during any biennium  
31 for the purpose of providing community mental health programs under RCW  
32 71.24.045. When regional support networks are established or after  
33 July 1, 1995, "available resources" means federal funds, except those  
34 provided according to Title XIX of the Social Security Act, and state  
35 funds appropriated under this chapter or chapter 71.05 RCW by the  
36 legislature during any biennium for the purpose of providing  
37 residential services, resource management services, community support

1 services, and other mental health services. This does not include  
2 funds appropriated for the purpose of operating and administering the  
3 state psychiatric hospitals, except as negotiated according to RCW  
4 71.24.300(1)(d).

5 (3) "Licensed service provider" means an entity licensed according  
6 to this chapter or chapter 71.05 RCW that meets state minimum standards  
7 or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79  
8 RCW, as it applies to registered nurses and advanced registered nurse  
9 practitioners.

10 (4) "Child" means a person under the age of eighteen years.

11 (5) "Chronically mentally ill adult" means an adult who has a  
12 mental disorder and meets at least one of the following criteria:

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

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

18 (c) Has been unable to engage in any substantial gainful activity  
19 by reason of any mental disorder which has lasted for a continuous  
20 period of not less than twelve months. "Substantial gainful activity"  
21 shall be defined by the department by rule consistent with Public Law  
22 92-603, as amended.

23 (6) "Severely emotionally disturbed child" means an infant or child  
24 who has been determined by the regional support network to be  
25 experiencing a mental disorder as defined in chapter 71.34 RCW,  
26 including those mental disorders that result in a behavioral or conduct  
27 disorder, that is clearly interfering with the child's functioning in  
28 family or school or with peers and who meets at least one of the  
29 following criteria:

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

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

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

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

38 (i) Chronic family dysfunction involving a mentally ill or  
39 inadequate caretaker;

- 1 (ii) Changes in custodial adult;
- 2 (iii) Going to, residing in, or returning from any placement
- 3 outside of the home, for example, psychiatric hospital, short-term
- 4 inpatient, residential treatment, group or foster home, or a
- 5 correctional facility;
- 6 (iv) Subject to repeated physical abuse or neglect;
- 7 (v) Drug or alcohol abuse; or
- 8 (vi) Homelessness.

9 (7) "Community mental health service delivery system" means public

10 or private agencies that provide services specifically to persons with

11 mental disorders as defined under RCW 71.05.020 and receive funding

12 from various public sources including: (a) Federal medicare, medicaid,

13 or early periodic screening, diagnostic, and treatment programs; or (b)

14 state funds from the division of mental health, division of children

15 and family services, division of alcohol and substance abuse, or

16 division of vocational rehabilitation of the department of social and

17 health services.

18 (8) "Community mental health program" means all mental health

19 services established by a county authority. After July 1, 1995, or

20 when the regional support networks are established, "community mental

21 health program" means all activities or programs using available

22 resources.

23 ~~((+8))~~ (9) "Community support services" means services for acutely

24 mentally ill persons, chronically mentally ill adults, and severely

25 emotionally disturbed children and includes: (a) Discharge planning

26 for clients leaving state mental hospitals, other acute care inpatient

27 facilities, inpatient psychiatric facilities for persons under twenty-

28 one years of age, and other children's mental health residential

29 treatment facilities; (b) sufficient contacts with clients, families,

30 schools, or significant others to provide for an effective program of

31 community maintenance; and (c) medication monitoring. After July 1,

32 1995, or when regional support networks are established, for adults and

33 children "community support services" means services authorized,

34 planned, and coordinated through resource management services

35 including, at least, assessment, diagnosis, emergency crisis

36 intervention available twenty-four hours, seven days a week,

37 prescreening determinations for mentally ill persons being considered

38 for placement in nursing homes as required by federal law, screening

39 for patients being considered for admission to residential services,

1 diagnosis and treatment for acutely mentally ill and severely  
2 emotionally disturbed children discovered under screening through the  
3 federal Title XIX early and periodic screening, diagnosis, and  
4 treatment program, investigation, legal, and other nonresidential  
5 services under chapter 71.05 RCW, case management services, psychiatric  
6 treatment including medication supervision, counseling, psychotherapy,  
7 assuring transfer of relevant patient information between service  
8 providers, other services determined by regional support networks, and  
9 maintenance of a patient tracking system for chronically mentally ill  
10 adults and severely emotionally disturbed children.

11 ~~((+9))~~ (10) "County authority" means the board of county  
12 commissioners, county council, or county executive having authority to  
13 establish a community mental health program, or two or more of the  
14 county authorities specified in this subsection which have entered into  
15 an agreement to provide a community mental health program.

16 ~~((+10))~~ (11) "Department" means the department of social and  
17 health services.

18 ~~((+11))~~ (12) "Mental health services" means community services  
19 pursuant to RCW 71.24.035(5)(b) and other services provided by the  
20 state for the mentally ill. When regional support networks are  
21 established, or after July 1, 1995, "mental health services" shall  
22 include all services provided by regional support networks.

23 ~~((+12))~~ (13) "Mentally ill persons" and "the mentally ill" mean  
24 persons and conditions defined in subsections (1), (5), (6), and  
25 ~~((+16))~~ (17) of this section.

26 ~~((+13))~~ (14) "Regional support network" means a county authority  
27 or group of county authorities recognized by the secretary that enter  
28 into joint operating agreements to contract with the secretary pursuant  
29 to this chapter.

30 ~~((+14))~~ (15) "Residential services" means a facility or distinct  
31 part thereof which provides food and shelter, and may include treatment  
32 services.

33 When regional support networks are established, or after July 1,  
34 1995, for adults and children "residential services" means a complete  
35 range of residences and supports authorized by resource management  
36 services and which may involve a facility, a distinct part thereof, or  
37 services which support community living, for acutely mentally ill  
38 persons, chronically mentally ill adults, severely emotionally  
39 disturbed children, or seriously disturbed adults determined by the

1 regional support network to be at risk of becoming acutely or  
2 chronically mentally ill. The services shall include at least  
3 evaluation and treatment services as defined in chapter 71.05 RCW,  
4 acute crisis respite care, long-term adaptive and rehabilitative care,  
5 and supervised and supported living services, and shall also include  
6 any residential services developed to service mentally ill persons in  
7 nursing homes. Residential services for children in out-of-home  
8 placements related to their mental disorder shall not include the costs  
9 of food and shelter, except for children's long-term residential  
10 facilities existing prior to January 1, 1991.

11 ~~((15))~~ (16) "Resource management services" mean the planning,  
12 coordination, and authorization of residential services and community  
13 support services administered pursuant to an individual service plan  
14 for acutely mentally ill adults and children, chronically mentally ill  
15 adults, severely emotionally disturbed children, or seriously disturbed  
16 adults determined by the regional support network at their sole  
17 discretion to be at risk of becoming acutely or chronically mentally  
18 ill. Such planning, coordination, and authorization shall include  
19 mental health screening for children eligible under the federal Title  
20 XIX early and periodic screening, diagnosis, and treatment program.  
21 Resource management services include seven day a week, twenty-four hour  
22 a day availability of information regarding mentally ill adults' and  
23 children's enrollment in services and their individual service plan to  
24 county-designated mental health professionals, evaluation and treatment  
25 facilities, and others as determined by the regional support network.

26 ~~((16))~~ (17) "Seriously disturbed person" means a person who:

27 (a) Is gravely disabled or presents a likelihood of serious harm to  
28 oneself or others as a result of a mental disorder as defined in  
29 chapter 71.05 RCW;

30 (b) Has been on conditional release status at some time during the  
31 preceding two years from an evaluation and treatment facility or a  
32 state mental health hospital;

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

35 (d) Exhibits suicidal preoccupation or attempts; or

36 (e) Is a child diagnosed by a mental health professional, as  
37 defined in RCW 71.05.020, as experiencing a mental disorder which is  
38 clearly interfering with the child's functioning in family or school or

1 with peers or is clearly interfering with the child's personality  
2 development and learning.

3 ~~((17))~~ (18) "Secretary" means the secretary of social and health  
4 services.

5 ~~((18))~~ (19) "State minimum standards" means: (a) Minimum  
6 requirements for delivery of mental health services as established by  
7 departmental rules and necessary to implement this chapter, including  
8 but not limited to licensing service providers and services; (b)  
9 minimum service requirements for licensed service providers for the  
10 provision of mental health services as established by departmental  
11 rules pursuant to chapter 34.05 RCW as necessary to implement this  
12 chapter, including, but not limited to: Qualifications for staff  
13 providing services directly to mentally ill persons; the intended  
14 result of each service; and the rights and responsibilities of persons  
15 receiving mental health services pursuant to this chapter; (c) minimum  
16 requirements for residential services as established by the department  
17 in rule based on clients' functional abilities and not solely on their  
18 diagnoses, limited to health and safety, staff qualifications, and  
19 program outcomes. Minimum requirements for residential services are  
20 those developed in collaboration with consumers, families, counties,  
21 regulators, and residential providers serving the mentally ill.  
22 Minimum requirements encourage the development of broad-range  
23 residential programs, including integrated housing and cross-systems  
24 programs where appropriate, and do not unnecessarily restrict  
25 programming flexibility; and (d) minimum standards for community  
26 support services and resource management services, including at least  
27 qualifications for resource management services, client tracking  
28 systems, and the transfer of patient information between service  
29 providers.

30 ~~((19))~~ (20) "Tribal authority," for the purposes of this section  
31 and RCW 71.24.300 only, means: The federally recognized Indian tribes  
32 and the major Indian organizations recognized by the secretary insofar  
33 as these organizations do not have a financial relationship with any  
34 regional support network that would present a conflict of interest.

35 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
36 preservation of the public peace, health, or safety, or support of the



1 state government and its existing public institutions, and shall take  
2 effect immediately.

--- END ---