

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5918

Chapter 96, Laws of 1995

54th Legislature
1995 Regular Session

Mental health services delivery system--Accountability

EFFECTIVE DATE: 4/18/95

Passed by the Senate March 10, 1995
YEAS 45 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 6, 1995
YEAS 97 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved April 18, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5918** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

April 18, 1995 - 1:25 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5918

Passed Legislature - 1995 Regular Session

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
37 state government and its existing public institutions, and shall take
38 effect immediately.

Passed the Senate March 10, 1995.
Passed the House April 6, 1995.
Approved by the Governor April 18, 1995.
Filed in Office of Secretary of State April 18, 1995.

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