
ENGROSSED SUBSTITUTE SENATE BILL 5389

State of Washington

66th Legislature

2019 Regular Session

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

READ FIRST TIME 03/01/19.

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

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

8 NEW SECTION. **Sec. 1.** The legislature recognizes that
9 unaddressed mental illness is a growing problem in Washington state.
10 Early identification, intervention, and prevention are critical to a
11 student's success in school and life. Other states have demonstrated
12 that students' grades increase and truancy decreases by addressing
13 mental health among students in schools. Future mental health care
14 and housing costs will be reduced by addressing mental health issues
15 early.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.20
17 RCW to read as follows:

18 (1) The University of Washington, in collaboration with project
19 ECHO (extension for community healthcare outcomes), shall design a
20 training curriculum and training delivery system to train middle,

1 junior high, and high school staff to identify students who are at
2 risk for substance abuse, violence, or youth suicide.

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

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

6 (b) Align with national best practices; and

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

9 (i) May be struggling with mental health issues;

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

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

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

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

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

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.20
29 RCW to read as follows:

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

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

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

39 (2) The University of Washington shall develop:

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

4 (b) Methodology for determining the amount of a reimbursement
5 paid to a psychiatrist.

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

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.210
10 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

19 **Sec. 5.** RCW 28A.410.226 and 2013 c 197 s 2 are each amended to
20 read as follows:

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

35 (2) This section applies to the following certificates if the
36 certificate is first issued or is renewed on or after July 1,
37 ((2015)) 2019:

38 (a) Continuing certificates for school nurses;

39 (b) Continuing certificates for school social workers;

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

3 (d) Continuing and professional certificates for school
4 counselors.

5 (3) A school counselor who holds or submits a school counseling
6 certificate from the national board for professional teaching
7 standards or a school psychologist who holds or submits a school
8 psychologist certificate from the national association of school
9 psychologists in lieu of a professional certificate must complete the
10 training program under subsection (1) of this section by July 1,
11 ((2015)) 2019, or within the five-year period before the certificate
12 is first submitted to the professional educator standards board,
13 whichever is later, and at least once every five years thereafter in
14 order to be considered certified by the professional educator
15 standards board.

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

23 **Sec. 6.** RCW 28A.410.035 and 2013 c 197 s 3 and 2013 c 10 s 2 are
24 each reenacted and amended to read as follows:

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

36 (2) The professional educator standards board shall incorporate
37 into the content required for the course under this section,
38 knowledge and skill standards pertaining to recognition, initial
39 screening, and response to emotional or behavioral distress in

1 students, including but not limited to indicators of possible
2 substance abuse, violence, and youth suicide. The course must also
3 include the training curriculum created under section 2 of this act.
4 To receive initial certification after August 31, ((2014)) 2019, an
5 applicant must have successfully completed a course that includes the
6 content of this subsection. The board shall consult with the office
7 of the superintendent of public instruction and the department of
8 health in developing the standards.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.400
10 RCW to read as follows:

11 (1) Beginning in the 2020-21 school year, school districts shall
12 require all certificated and classified employees at each school to
13 receive training based on the curriculum developed under section 2 of
14 this act.

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

17 NEW SECTION. **Sec. 8.** This act does not create any civil
18 liability on the part of the state or any state agency, officer,
19 employee, agent, political subdivision, or school district.

20 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of
22 the state government and its existing public institutions, and takes
23 effect immediately.

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