

1 5670-S AMH HS H2810.1

2 **SSB 5670 - H COMM AMD ADOPTED 4-19-91**

3 By Committee on Human Services

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 71.24.015 and 1989 c 205 s 1 are each amended to read
8 as follows:

9 It is the intent of the legislature to establish a community mental
10 health program which shall help people experiencing mental illness to
11 retain a respected and productive position in the community. This will
12 be accomplished through programs which provide for:

13 (1) Access to mental health services for adults (~~(and children)~~) of
14 the state who are acutely mentally ill, chronically mentally ill, or
15 seriously disturbed(~~(, or chronically mentally ill)~~) and children of
16 the state who are acutely mentally ill, severely emotionally disturbed,
17 or seriously disturbed, which services recognize the special needs of
18 underserved populations, including minorities, children, the elderly,
19 disabled, and low-income persons. It is also the purpose of this
20 chapter to (~~ensure that~~) promote the early identification of mentally
21 ill children (~~(in need of mental health care and treatment)~~) and to
22 ensure that they receive the mental health care and treatment which is
23 appropriate to their developmental level. This care should improve
24 home, school, and community functioning, maintain children in a safe
25 and nurturing home environment, and (~~to~~) should enable treatment
26 decisions to be made in response to clinical needs (~~and~~) in
27 accordance with sound professional judgment while also recognizing

1 parents' rights to participate in treatment decisions for their
2 children;

3 (2) Accountability of services through state-wide standards for
4 monitoring and reporting of information;

5 (3) Minimum service delivery standards;

6 (4) Priorities for the use of available resources for the care of
7 the mentally ill;

8 (5) Coordination of services within the department, including those
9 divisions within the department that provide services to children,
10 between the department and the office of the superintendent of public
11 instruction, and among state mental hospitals, county authorities,
12 community mental health services, and other support services, which
13 shall to the maximum extent feasible also include the families of the
14 mentally ill, and other service providers; and

15 (6) Coordination of services aimed at reducing duplication in
16 service delivery and promoting complementary services among all
17 entities that provide mental health services to adults and children.

18 It is the policy of the state to encourage the provision of a full
19 range of treatment and rehabilitation services in the state for mental
20 disorders. The legislature intends to encourage the development of
21 county-based and county-managed mental health services with adequate
22 local flexibility to assure eligible people in need of care access to
23 the least-restrictive treatment alternative appropriate to their needs,
24 and the availability of treatment components to assure continuity of
25 care. To this end, counties are encouraged to enter into joint
26 operating agreements with other counties to form regional systems of
27 care which integrate planning, administration, and service delivery
28 duties assigned to counties under chapters 71.05 and 71.24 RCW to
29 consolidate administration, reduce administrative layering, and reduce
30 administrative costs.

1 It is further the intent of the legislature to integrate the
2 provision of services to provide continuity of care through all phases
3 of treatment. To this end the legislature intends to promote active
4 engagement with mentally ill persons and collaboration between families
5 and service providers."

6 "Sec. 2. RCW 71.24.025 and 1989 c 205 s 2 are each amended to read
7 as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

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

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

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

16 (c) Presenting a likelihood of serious harm as defined in RCW
17 71.05.020(3) or, in the case of a child, as defined in RCW
18 71.34.020(11).

19 (2) "Available resources" means those funds which shall be
20 appropriated under this chapter by the legislature during any biennium
21 for the purpose of providing community mental health programs under RCW
22 71.24.045. When regional support networks are established or after
23 July 1, 1995, "available resources" means federal funds, except those
24 provided according to Title XIX of the social security act, and state
25 funds appropriated under this chapter or chapter 71.05 RCW by the
26 legislature during any biennium for the purpose of providing
27 residential services, resource management services, community support
28 services, and other mental health services. This does not include
29 funds appropriated for the purpose of operating and administering the

1 state psychiatric hospitals, except as negotiated according to RCW
2 71.24.300(1)(d).

3 (3) "Licensed service provider" means an entity licensed according
4 to this chapter or chapter 71.05 RCW that meets state minimum standards
5 or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.88
6 RCW.

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

8 (5) "Chronically mentally ill (~~person~~) adult" means (~~a child~~
9 ~~or~~) an adult who has a mental disorder(~~(, in the case of a child as~~
10 ~~defined by chapter 71.34 RCW,~~) and meets at least one of the following
11 criteria:

12 (a) Has undergone two or more episodes of hospital care for a
13 mental disorder within the preceding two years (~~(or, in the case of a~~
14 ~~child, has been placed by the department or its designee two or more~~
15 ~~times outside of the home, where the placements are related to a mental~~
16 ~~disorder, as defined in chapter 71.34 RCW, and where the placements~~
17 ~~progress toward a more restrictive setting. Placements by the~~
18 ~~department include but are not limited to placements by child~~
19 ~~protective services and child welfare services)); or~~

20 (b) Has experienced a continuous psychiatric hospitalization or
21 residential treatment exceeding six months' duration within the
22 preceding year; or

23 (c) Has been unable to engage in any substantial gainful activity
24 by reason of any mental disorder which has lasted for a continuous
25 period of not less than twelve months. "Substantial gainful activity"
26 shall be defined by the department by rule consistent with Public Law
27 92-603, as amended(~~(, and shall include school attendance in the case~~
28 ~~of a child; or~~

1 ~~(d) In the case of a child, has been subjected to continual~~
2 ~~distress as indicated by repeated physical or sexual abuse or~~
3 ~~neglect)).~~

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

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

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

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

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

19 (i) Chronic family dysfunction involving a mentally ill or
20 inadequate caretaker;

21 (ii) Changes in custodial adult;

22 (iii) Going to, residing in, or returning from any placement
23 outside of the home, for example, psychiatric hospital, short-term
24 inpatient, residential treatment, group or foster home, or a
25 correctional facility;

26 (iv) Subject to repeated physical abuse or neglect;

27 (v) Drug or alcohol abuse; or

28 (vi) Homelessness.

29 (7) "Community mental health program" means all mental health
30 services established by a county authority. After July 1, 1995, or

1 when the regional support networks are established, "community mental
2 health program" means all activities or programs using available
3 resources.

4 ~~((7))~~ (8) "Community support services" means services for acutely
5 ~~((and))~~ mentally ill persons, chronically mentally ill ~~((persons))~~
6 adults, and severely emotionally disturbed children and includes: (a)
7 Discharge planning for clients leaving state mental hospitals, other
8 acute care inpatient facilities, inpatient psychiatric facilities for
9 persons under twenty-one years of age, and other children's mental
10 health residential treatment facilities; (b) sufficient contacts with
11 clients, families, schools, or significant others to provide for an
12 effective program of community maintenance; and (c) medication
13 monitoring. After July 1, 1995, or when regional support networks are
14 established, for adults and children "community support services" means
15 services authorized, planned, and coordinated through resource
16 management services including, at least, assessment, diagnosis,
17 emergency crisis intervention available twenty-four hours, seven days
18 a week, prescreening determinations for mentally ill persons being
19 considered for placement in nursing homes as required by federal law,
20 screening for patients being considered for admission to residential
21 services, diagnosis and treatment for acutely mentally ill and severely
22 emotionally disturbed children discovered under screening through the
23 federal Title XIX early and periodic screening, diagnosis, and
24 treatment program, investigation, legal, and other nonresidential
25 services under chapter 71.05 RCW, case management services, psychiatric
26 treatment including medication supervision, counseling, psychotherapy,
27 assuring transfer of relevant patient information between service
28 providers, other services determined by regional support networks, and
29 maintenance of a patient tracking system for chronically mentally ill
30 ~~((persons))~~ adults and severely emotionally disturbed children.

1 (~~(8)~~) (9) "County authority" means the board of county
2 commissioners, county council, or county executive having authority to
3 establish a community mental health program, or two or more of the
4 county authorities specified in this subsection which have entered into
5 an agreement to provide a community mental health program.

6 (~~(9)~~) (10) "Department" means the department of social and health
7 services.

8 (~~(10)~~) (11) "Mental health services" means community services
9 pursuant to RCW 71.24.035(5)(b) and other services provided by the
10 state for the mentally ill. When regional support networks are
11 established, or after July 1, 1995, "mental health services" shall
12 include all services provided by regional support networks.

13 (~~(11)~~) (12) "Mentally ill persons" and "the mentally ill" mean
14 persons and conditions defined in subsections (1), (5), (6), and
15 (~~(15)~~) (16) of this section.

16 (~~(12)~~) (13) "Regional support network" means a county authority
17 or group of county authorities recognized by the secretary that enter
18 into joint operating agreements to contract with the secretary pursuant
19 to this chapter.

20 (~~(13)~~) (14) "Residential services" means a facility or distinct
21 part thereof which provides food and shelter, and may include treatment
22 services.

23 When regional support networks are established, or after July 1,
24 1995, for adults and children "residential services" means a complete
25 range of residences and supports authorized by resource management
26 services and which may involve a facility, a distinct part thereof, or
27 services which support community living, for acutely mentally ill
28 persons, chronically mentally ill (~~(persons)~~) adults, severely
29 emotionally disturbed children, or seriously disturbed (~~(persons)~~)
30 adults determined by the regional support network to be at risk of

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

10 ((~~14~~)) (15) "Resource management services" mean the planning,
11 coordination, and authorization of residential services and community
12 support services administered pursuant to an individual service plan
13 for acutely mentally ill adults and children, chronically mentally ill
14 adults ((~~and children~~)), severely emotionally disturbed children, or
15 seriously disturbed adults ((~~and children~~)) determined by the regional
16 support network at their sole discretion to be at risk of becoming
17 acutely or chronically mentally ill. Such planning, coordination, and
18 authorization shall include mental health screening for children
19 eligible under the federal Title XIX early and periodic screening,
20 diagnosis, and treatment program. Resource management services include
21 seven day a week, twenty-four hour a day availability of information
22 regarding mentally ill adults' and children's enrollment in services
23 and their individual service plan to county-designated mental health
24 professionals, evaluation and treatment facilities, and others as
25 determined by the regional support network.

26 ((~~15~~)) (16) "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;

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

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

6 (d) Exhibits suicidal preoccupation or attempts; or

7 (e) Is a child diagnosed by a mental health professional, as
8 defined in RCW 71.05.020, as experiencing a mental disorder which is
9 clearly interfering with the child's functioning in family or school or
10 with peers or is clearly interfering with the child's personality
11 development and learning.

12 (~~(16)~~) (17) "Secretary" means the secretary of social and health
13 services.

14 (~~(17)~~) (18) "State minimum standards" means: (a) Minimum
15 requirements for delivery of mental health services as established by
16 departmental rules and necessary to implement this chapter, including
17 but not limited to licensing service providers and services; (b)
18 minimum service requirements for licensed service providers for the
19 provision of mental health services as established by departmental
20 rules pursuant to chapter 34.05 RCW as necessary to implement this
21 chapter, including, but not limited to: Qualifications for staff
22 providing services directly to mentally ill persons; the intended
23 result of each service; and the rights and responsibilities of persons
24 receiving mental health services pursuant to this chapter; (c) minimum
25 requirements for residential services as established by the department
26 in rule based on clients' functional abilities and not solely on their
27 diagnoses, limited to health and safety, staff qualifications, and
28 program outcomes. Minimum requirements for residential services are
29 those developed in collaboration with consumers, families, counties,
30 regulators, and residential providers serving the mentally ill.

1 Minimum requirements encourage the development of broad-range
2 residential programs, including integrated housing and cross-systems
3 programs where appropriate, and do not unnecessarily restrict
4 programming flexibility; and (d) minimum standards for community
5 support services and resource management services, including at least
6 qualifications for resource management services, client tracking
7 systems, and the transfer of patient information between service
8 providers."

9 "Sec. 3. RCW 71.24.035 and 1990 1st ex.s. c 8 s 1 are each amended
10 to read as follows:

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

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

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

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

23 (5) The secretary shall:

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

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

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

4 (A) Outpatient services;

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

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

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

14 (E) Consultation and education services; and

15 (F) Community support services;

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

19 (i) Licensed service providers;

20 (ii) Regional support networks; and

21 (iii) Residential and inpatient services, evaluation and treatment
22 services and facilities under chapter 71.05 RCW, resource management
23 services, and community support services;

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

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

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

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

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

19 (i) Certify regional support networks that meet state minimum
20 standards;

21 (j) Periodically inspect certified regional support networks and
22 licensed service providers at reasonable times and in a reasonable
23 manner; and

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

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

29 (m) Prior to September 1, 1989, adopt such rules as are necessary
30 to implement the department's responsibilities under this chapter

1 pursuant to chapter 34.05 RCW: PROVIDED, That such rules shall be
2 submitted to the appropriate committees of the legislature for review
3 and comment prior to adoption; and

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

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

17 (7) Each certified regional support network and licensed service
18 provider shall file with the secretary, on request, such data,
19 statistics, schedules, and information as the secretary reasonably
20 requires. A certified regional support network or licensed service
21 provider which, without good cause, fails to furnish any data,
22 statistics, schedules, or information as requested, or files fraudulent
23 reports thereof, may have its certification or license revoked or
24 suspended.

25 (8) The secretary may suspend, revoke, limit, or restrict a
26 certification or license, or refuse to grant a certification or license
27 for failure to conform to the law, applicable rules and regulations, or
28 applicable standards, or failure to meet the minimum standards
29 established pursuant to this section.

1 (9) The superior court may restrain any regional support network or
2 service provider from operating without certification or a license or
3 any other violation of this section. The court may also review,
4 pursuant to procedures contained in chapter 34.05 RCW, any denial,
5 suspension, limitation, restriction, or revocation of certification or
6 license, and grant other relief required to enforce the provisions of
7 this chapter.

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

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

19 (12) Notwithstanding the existence or pursuit of any other remedy,
20 the secretary may, in the manner provided by law, upon the advice of
21 the attorney general who shall represent the secretary in the
22 proceedings, maintain an action in the name of the state for an
23 injunction or other process against any person or governmental unit to
24 restrain or prevent the establishment, conduct, or operation of a
25 regional support network or service provider without certification or
26 a license under this chapter.

27 (13) The standards for certification of evaluation and treatment
28 facilities shall include standards relating to maintenance of good
29 physical and mental health and other services to be afforded persons
30 pursuant to this chapter and chapter 71.05 RCW, and shall otherwise

1 assure the effectuation of the purposes and intent of this chapter and
2 chapter 71.05 RCW.

3 (14)(a) The department, in consultation with affected parties,
4 shall establish a distribution formula that reflects county needs
5 assessments based on the number of persons who are acutely mentally
6 ill, chronically mentally ill, severely emotionally disturbed, and
7 seriously disturbed as defined in chapter 71.24 RCW. The formula shall
8 take into consideration the impact on counties of demographic factors
9 in counties which result in concentrations of priority populations as
10 defined in subsection (15) of this section. These factors shall include
11 the population concentrations resulting from commitments under the
12 involuntary treatment act, chapter 71.05 RCW, to state psychiatric
13 hospitals, as well as concentration in urban areas, at border crossings
14 at state boundaries, and other significant demographic and workload
15 factors.

16 (b) The department shall submit a proposed distribution formula in
17 accordance with this section to the ways and means and health ((~~care~~
18 ~~and corrections~~)) and long-term care committees of the senate and to
19 the ways and means and human services committees of the house of
20 representatives by October 1, ((~~1989~~)) 1991. The formula shall also
21 include a projection of the funding allocations that will result for
22 each county, which specifies allocations according to priority
23 populations, including the allocation for services to children and
24 other underserved populations.

25 (15) To supersede duties assigned under subsection (5) (a) and (b)
26 of this section, and to assure a county-based, integrated system of
27 care for acutely mentally ill adults and children, chronically mentally
28 ill adults ((~~and children~~)), severely emotionally disturbed children,
29 and seriously disturbed adults and children who are determined by
30 regional support networks at their sole discretion to be at risk of

1 becoming acutely or chronically mentally ill, or severely emotionally
2 disturbed, the secretary shall encourage the development of regional
3 support networks as follows:

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

6 All counties wishing to be recognized as a regional support network
7 on December 1, 1989, shall submit their intentions regarding
8 participation in the regional support networks by October 30, 1989,
9 along with preliminary plans. Counties wishing to be recognized as a
10 regional support network by January 1 of any year thereafter shall
11 submit their intentions by October 30 of the previous year along with
12 preliminary plans. The secretary shall assume all duties assigned to
13 the nonparticipating counties under chapters 71.05 and 71.24 RCW on
14 July 1, 1995. Such responsibilities shall include those which would
15 have been assigned to the nonparticipating counties under regional
16 support networks.

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

23 (16) The secretary shall:

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

28 (b) Enter into biennial contracts with regional support networks to
29 begin implementation between January 1, 1990, and March 1, 1990, and
30 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 response systems.

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

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

23 (e) By March 1, 1990, or within sixty days of approval of the
24 contract continuing through July 1, 1993, provide grants as
25 specifically appropriated by the legislature to regional support
26 networks for evaluation and treatment facilities for persons detained
27 or committed for periods up to seventeen days according to chapter
28 71.05 RCW. For regional support networks created by January 1, 1993,
29 provide grants as specifically appropriated by the legislature to
30 regional support networks for evaluation and treatment facilities for

1 persons detained or committed for periods up to seventeen days
2 according to chapter 71.05 RCW through July 1, 1995.

3 (f) Notify regional support networks of their allocation of
4 available resources at least sixty days prior to the start of a new
5 biennial contract
6 period.

7 ~~(g) ((Study and report to the legislature by December 1, 1989, on
8 expanding the use of federal Title XIX funds and the definition of
9 institutions for mental diseases to provide services to persons who are
10 acutely mentally ill, chronically mentally ill, or at risk of becoming
11 so. The study shall also include an assessment of the impact of Title
12 XIX funds and the definition of institutions for mental diseases on the
13 use of state funds to provide needed mental health services to the
14 chronically mentally ill.~~

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

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

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

27 (17) The department of social and health services, in cooperation
28 with the state congressional delegation, shall actively seek waivers of
29 federal requirements and such modifications of federal regulations as
30 are necessary to allow federal medicaid reimbursement for services

1 provided by free-standing evaluation and treatment facilities certified
2 under chapter 71.05 RCW. The department shall periodically report its
3 efforts to the health care and corrections committee of the senate and
4 the human services committee of the house of representatives.

5 (18) The secretary shall establish a task force to examine the
6 recruitment, training, and compensation of qualified mental health
7 professionals in the community, which shall include the advantages and
8 disadvantages of establishing a training academy, loan forgiveness
9 program, or educational stipends offered in exchange for commitments of
10 employment in mental health. The task force shall report back to the
11 appropriate committees of the legislature by January 1, 1990."

12 "NEW SECTION. Sec. 4. The department shall amend the Title XIX
13 medicaid state plan for services provided to children through the early
14 and periodic screening, diagnosis, and treatment program to:

15 (1) Authorize regional support networks as exclusive agents of the
16 state to certify mental health screening providers;

17 (2) Develop, in consultation with regional support networks and
18 private practitioners, criteria for use by providers under the early
19 and periodic screening, diagnosis, and treatment program to identify
20 children with mental disorders eligible for referral to further
21 evaluation, diagnosis, and treatment planning;

22 (3) Require prior authorization and utilization review for
23 residential and inpatient services, including inpatient acute
24 hospitalizations and evaluation and treatment facilities as defined in
25 RCW 71.34.020; and

26 (4) Provide reimbursement for specialized family, home, school, and
27 community-based mental health services or programs designed to promote
28 primary prevention and maximize the development and potential of

1 acutely mentally ill and severely emotionally disturbed children and
2 their families."

3 "Sec. 5. RCW 71.24.045 and 1989 c 205 s 4 are each amended to read
4 as follows:

5 The county authority shall:

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

13 (a) Outpatient services;

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

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

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

23 (e) Consultation and education services;

24 (f) Residential and inpatient services, if the county chooses to
25 provide such optional services; and

26 (g) Community support services.

27 The county shall develop the biennial needs assessment based on
28 clients to be served, services to be provided, and the cost of those
29 services, and may include input from the public, clients, and licensed

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

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

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

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

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

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

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

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

14 "NEW SECTION. **Sec. 6.** RCW 71.24.800 and 1987 c 439 s 4 are
15 each repealed."

16 "NEW SECTION. **Sec. 7.** If any part of this act is found to be
17 in conflict with federal requirements that are a prescribed condition
18 to the allocation of federal funds to the state, the conflicting part
19 of this act is inoperative solely to the extent of the conflict and
20 with respect to the agencies directly affected, and this finding does
21 not affect the operation of the remainder of this act in its
22 application to the agencies concerned. The rules under this act shall
23 meet federal requirements that are a necessary condition to the receipt
24 of federal funds by the state.

25 However, if any part of this act conflicts with such federal
26 requirements, the state appropriation for mental health services
27 provided to children whose mental disorders are discovered under
28 screening through the federal Title XIX early and periodic screening,

1 diagnosis, and treatment program shall be provided through the division
2 of medical assistance and no state funds appropriated to the division
3 of mental health shall be expended or transferred for this purpose."

4 **SSB 5670** - H COMM AMD
5 By Committee on Human Services

6

7 On page 1, line 2 of the title, after "services;" strike the
8 remainder of the title and insert "amending RCW 71.24.015, 71.24.025,
9 71.24.035, and 71.24.045; creating new sections; and repealing RCW
10 71.24.800."