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SENATE BILL 5015

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State of Washington

56th Legislature

1999 Regular Session

By Senators Long, Hargrove, Winsley and Costa

Read first time 01/11/1999. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to technical, clarifying, nonsubstantive amendments  
2 to community mental health services; amending RCW 71.24.025, 71.24.030,  
3 71.24.035, 71.24.049, 71.24.110, 71.24.220, 71.24.300, 71.24.400,  
4 71.24.405, 71.24.415, and 71.24.460; adding a new section to chapter  
5 71.24 RCW; creating new sections; repealing RCW 71.24.410; and  
6 repealing 1989 c 205 s 23 (uncodified).

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

8 NEW SECTION. **Sec. 1.** The purpose of this act is to eliminate  
9 dates and provisions in chapter 71.24 RCW which are no longer needed.  
10 The legislature does not intend this act to make, and no provision of  
11 this act shall be construed as, a substantive change in the service  
12 delivery system or funding of the community mental health services law.

13 **Sec. 2.** RCW 71.24.025 and 1997 c 112 s 38 are each amended to read  
14 as follows:

15 Unless the context clearly requires otherwise, the definitions in  
16 this section apply throughout this chapter.

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

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

3 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the  
4 case of a child, a gravely disabled minor as defined in RCW 71.34.020;  
5 or

6 (c) Presenting a likelihood of serious harm as defined in RCW  
7 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

8 (2) "Available resources" means ~~((those)) funds ((which shall be))~~  
9 ~~appropriated ((under this chapter by the legislature during any~~  
10 ~~biennium))~~ for the purpose of providing community mental health  
11 programs under RCW 71.24.045~~((. When regional support networks are~~  
12 ~~established or after July 1, 1995, "available resources" means))~~,  
13 federal funds, except those provided according to Title XIX of the  
14 Social Security Act, and state funds appropriated under this chapter or  
15 chapter 71.05 RCW by the legislature during any biennium for the  
16 purpose of providing residential services, resource management  
17 services, community support services, and other mental health services.  
18 This does not include funds appropriated for the purpose of operating  
19 and administering the state psychiatric hospitals, except as negotiated  
20 according to RCW 71.24.300(1)(d).

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

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

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

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

31 (b) Has experienced a continuous psychiatric hospitalization or  
32 residential treatment exceeding six months' duration within the  
33 preceding year; or

34 (c) Has been unable to engage in any substantial gainful activity  
35 by reason of any mental disorder which has lasted for a continuous  
36 period of not less than twelve months. "Substantial gainful activity"  
37 shall be defined by the department by rule consistent with Public Law  
38 92-603, as amended.

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

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

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

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

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

16 (i) Chronic family dysfunction involving a mentally ill or  
17 inadequate caretaker;

18 (ii) Changes in custodial adult;

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

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

24 (v) Drug or alcohol abuse; or

25 (vi) Homelessness.

26 (7) "Community mental health service delivery system" means public  
27 or private agencies that provide services specifically to persons with  
28 mental disorders as defined under RCW 71.05.020 and receive funding  
29 from ~~((various))~~ public sources ~~((including:—(a) Federal medicare,~~  
30 ~~medicaid, or early periodic screening, diagnostic, and treatment~~  
31 ~~programs; or (b) state funds from the division of mental health,~~  
32 ~~division of children and family services, division of alcohol and~~  
33 ~~substance abuse, or division of vocational rehabilitation of the~~  
34 ~~department of social and health services))~~.

35 (8) "Community mental health program" means all mental health  
36 services ~~((established by a county authority. After July 1, 1995, or~~  
37 ~~when the regional support networks are established, "community mental~~  
38 ~~health program" means all))~~ activities, or programs using available  
39 resources.

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

28       (10) "County authority" means the board of county commissioners,  
29 county council, or county executive having authority to establish a  
30 community mental health program, or two or more of the county  
31 authorities specified in this subsection which have entered into an  
32 agreement to provide a community mental health program.

33       (11) "Department" means the department of social and health  
34 services.

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

1 provided by regional support networks and other services provided by  
2 the state for the mentally ill.

3 (13) "Mentally ill persons" and "the mentally ill" mean persons and  
4 conditions defined in subsections (1), (5), (6), and (17) of this  
5 section.

6 (14) "Regional support network" means a county authority or group  
7 of county authorities recognized by the secretary that enter into joint  
8 operating agreements to contract with the secretary pursuant to this  
9 chapter.

10 (15) "Residential services" means ~~((a facility or distinct part~~  
11 ~~thereof which provides food and shelter, and may include treatment~~  
12 ~~services.~~

13 ~~When regional support networks are established, or after July 1,~~  
14 ~~1995, for adults and children "residential services" means)) a complete~~  
15 range of residences and supports authorized by resource management  
16 services and which may involve a facility, a distinct part thereof, or  
17 services which support community living, for acutely mentally ill  
18 persons, chronically mentally ill adults, severely emotionally  
19 disturbed children, or seriously disturbed adults determined by the  
20 regional support network to be at risk of becoming acutely or  
21 chronically mentally ill. The services shall include at least  
22 evaluation and treatment services as defined in chapter 71.05 RCW,  
23 acute crisis respite care, long-term adaptive and rehabilitative care,  
24 and supervised and supported living services, and shall also include  
25 any residential services developed to service mentally ill persons in  
26 nursing homes. Residential services for children in out-of-home  
27 placements related to their mental disorder shall not include the costs  
28 of food and shelter, except for children's long-term residential  
29 facilities existing prior to January 1, 1991.

30 (16) "Resource management services" mean the planning,  
31 coordination, and authorization of residential services and community  
32 support services administered pursuant to an individual service plan  
33 for: (a) Acutely mentally ill adults and children(( $\tau$ )); (b)  
34 chronically mentally ill adults(( $\tau$ )); (c) severely emotionally  
35 disturbed children(( $\tau$ )); or (d) seriously disturbed adults determined  
36 solely by ((the)) a regional support network ((at their sole  
37 discretion)) to be at risk of becoming acutely or chronically mentally  
38 ill. Such planning, coordination, and authorization shall include  
39 mental health screening for children eligible under the federal Title

1 XIX early and periodic screening, diagnosis, and treatment program.  
2 Resource management services include seven day a week, twenty-four hour  
3 a day availability of information regarding mentally ill adults' and  
4 children's enrollment in services and their individual service plan to  
5 county-designated mental health professionals, evaluation and treatment  
6 facilities, and others as determined by the regional support network.

7 (17) "Seriously disturbed person" means a person who:

8 (a) Is gravely disabled or presents a likelihood of serious harm to  
9 himself or herself or others, or to the property of others, as a result  
10 of a mental disorder as defined in chapter 71.05 RCW;

11 (b) Has been on conditional release status, or under a less  
12 restrictive alternative order, at some time during the preceding two  
13 years from an evaluation and treatment facility or a state mental  
14 health hospital;

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

17 (d) Exhibits suicidal preoccupation or attempts; or

18 (e) Is a child diagnosed by a mental health professional, as  
19 defined in ~~((RCW 71.05.020))~~ chapter 71.34 RCW, as experiencing a  
20 mental disorder which is clearly interfering with the child's  
21 functioning in family or school or with peers or is clearly interfering  
22 with the child's personality development and learning.

23 (18) "Secretary" means the secretary of social and health services.

24 (19) "State minimum standards" means minimum requirements  
25 established by rules adopted by the secretary and necessary to  
26 implement this chapter for: (a) ~~((Minimum requirements for))~~ Delivery  
27 of mental health services ((as established by departmental rules and  
28 necessary to implement this chapter, including but not limited to  
29 licensing service providers and services)); (b) ~~((minimum service~~  
30 ~~requirements for))~~ licensed service providers for the provision of  
31 mental health services ((as established by departmental rules pursuant  
32 to chapter 34.05 RCW as necessary to implement this chapter, including,  
33 but not limited to:—Qualifications for staff providing services  
34 directly to mentally ill persons; the intended result of each service;  
35 and the rights and responsibilities of persons receiving mental health  
36 services pursuant to this chapter)); (c) ~~((minimum requirements for))~~  
37 residential services ((as established by the department in rule based  
38 on clients' functional abilities and not solely on their diagnoses,  
39 limited to health and safety, staff qualifications, and program

1 outcomes.—Minimum requirements for residential services are those  
2 developed in collaboration with consumers, families, counties,  
3 regulators, and residential providers serving the mentally ill.  
4 Minimum requirements encourage the development of broad range  
5 residential programs, including integrated housing and cross systems  
6 programs where appropriate, and do not unnecessarily restrict  
7 programming flexibility)); and (d) ((minimum standards for)) community  
8 support services and resource management services((, including at least  
9 qualifications for resource management services, client tracking  
10 systems, and the transfer of patient information between service  
11 providers)).

12 (20) "Tribal authority," for the purposes of this section and RCW  
13 71.24.300 only, means: The federally recognized Indian tribes and the  
14 major Indian organizations recognized by the secretary insofar as these  
15 organizations do not have a financial relationship with any regional  
16 support network that would present a conflict of interest.

17 **Sec. 3.** RCW 71.24.030 and 1982 c 204 s 6 are each amended to read  
18 as follows:

19 The secretary is authorized((, pursuant to this chapter and the  
20 rules promulgated to effectuate its purposes,)) to make grants to  
21 counties or combinations of counties in the establishment and operation  
22 of community mental health programs.

23 **Sec. 4.** RCW 71.24.035 and 1998 c 245 s 137 are each amended to  
24 read as follows:

25 (1) The department is designated as the state mental health  
26 authority.

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

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

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

37 (5) The secretary shall:

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

5 (b) Assure that any county community mental health program provides  
6 access to treatment for the county's residents in the following order  
7 of priority: (i) The acutely mentally ill; (ii) chronically mentally  
8 ill adults and severely emotionally disturbed children; and (iii) the  
9 seriously disturbed. Such programs shall provide:

10 (A) Outpatient services;

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

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

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

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

27 (F) Consultation and education services; and

28 (G) Community support services;

29 (c) Develop and adopt rules establishing state minimum standards  
30 for the delivery of mental health services pursuant to section 5 of  
31 this act including, but not limited to:

32 (i) Licensed service providers;

33 (ii) Regional support networks; and

34 (iii) Residential and inpatient services, evaluation and treatment  
35 services and facilities under chapter 71.05 RCW, resource management  
36 services, and community support services;

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

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

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

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

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

22 (i) Certify regional support networks that meet state minimum  
23 standards;

24 (j) Periodically inspect certified regional support networks and  
25 licensed service providers at reasonable times and in a reasonable  
26 manner; ~~((and))~~

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

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

32 (m) ~~((Prior to September 1, 1989,))~~ Adopt such rules as are  
33 necessary to implement the department's responsibilities under this  
34 chapter ~~((pursuant to chapter 34.05 RCW: PROVIDED, That such rules  
35 shall be submitted to the appropriate committees of the legislature for  
36 review and comment prior to adoption; and~~

37 ~~((n) Beginning July 1, 1989, and continuing through July 1, 1993,  
38 track by region and county the use and cost of state hospital and local  
39 evaluation and treatment facilities for seventy two hour detention,~~

1 ~~fourteen, ninety, and one hundred eighty day commitments pursuant to~~  
2 ~~chapter 71.05 RCW, voluntary care in state hospitals, and voluntary~~  
3 ~~community inpatient care covered by the medical assistance program.~~  
4 ~~Service use and cost reports shall be provided to regions in a timely~~  
5 ~~fashion at six month intervals)).~~

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

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

19 (8) The secretary may suspend, revoke, limit, or restrict a  
20 certification or license, or refuse to grant a certification or license  
21 for failure to conform to: (a) The law((~~τ~~)); (b) applicable rules and  
22 regulations((~~τ~~-or)); (c) applicable standards((~~τ~~)); or ~~((failure to~~  
23 ~~meet the))~~ (d) state minimum standards (~~((established pursuant to this~~  
24 ~~section))~~).

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

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

38 (~~The secretary shall adopt such rules as may be necessary to~~  
39 ~~effectuate the intent and purposes of this chapter, which shall include~~

1 but not be limited to certification and licensing and other action  
2 relevant to certifying regional support networks and licensing service  
3 providers.

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

12 ~~((13))~~ (12) The standards for certification of evaluation and  
13 treatment facilities shall include standards relating to maintenance of  
14 good physical and mental health and other services to be afforded  
15 persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and  
16 shall otherwise assure the effectuation of the purposes (~~(and intent of~~  
17 ~~this))~~ of these chapters (~~(and chapter 71.05 RCW))~~).

18 ~~((14))~~ (13)(a) The department, in consultation with affected  
19 parties, shall establish a distribution formula that reflects county  
20 needs assessments based on the number of persons who are acutely  
21 mentally ill, chronically mentally ill, severely emotionally disturbed  
22 children, and seriously disturbed (~~(as defined in chapter 71.24 RCW))~~).

23 The formula shall take into consideration the impact on counties of  
24 demographic factors in counties which result in concentrations of  
25 priority populations as (~~(defined))~~ set forth in subsection (~~((15))~~)  
26 (5)(b) of this section. These factors shall include the population  
27 concentrations resulting from commitments under (~~(the involuntary~~  
28 ~~treatment act,))~~ chapters 71.05 and 71.34 RCW(~~(,))~~ to state psychiatric  
29 hospitals, as well as concentration in urban areas, at border crossings  
30 at state boundaries, and other significant demographic and workload  
31 factors.

32 (b) The formula shall also include a projection of the funding  
33 allocations that will result for each county, which specifies  
34 allocations according to priority populations, including the allocation  
35 for services to children and other underserved populations.

36 ~~((15) To supersede duties assigned under subsection (5)(a) and (b)~~  
37 ~~of this section, and to assure a county based, integrated system of~~  
38 ~~care for acutely mentally ill adults and children, chronically mentally~~  
39 ~~ill adults, severely emotionally disturbed children, and seriously~~

1 ~~disturbed adults and children who are determined by regional support~~  
2 ~~networks at their sole discretion to be at risk of becoming acutely or~~  
3 ~~chronically mentally ill, or severely emotionally disturbed, the~~  
4 ~~secretary shall encourage the development of regional support networks~~  
5 ~~as follows:~~

6 ~~By December 1, 1989, the secretary shall recognize regional support~~  
7 ~~networks requested by counties or groups of counties.~~

8 ~~All counties wishing to be recognized as a regional support network~~  
9 ~~on December 1, 1989, shall submit their intentions regarding~~  
10 ~~participation in the regional support networks by October 30, 1989,~~  
11 ~~along with preliminary plans. Counties wishing to be recognized as a~~  
12 ~~regional support network by January 1st of any year thereafter shall~~  
13 ~~submit their intentions by October 30th of the previous year along with~~  
14 ~~preliminary plans.))~~

15 ~~(14)~~ The secretary shall assume all duties assigned to the  
16 nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW  
17 ~~((on July 1, 1995))~~. Such responsibilities shall include those which  
18 would have been assigned to the nonparticipating counties under  
19 regional support networks.

20 The ~~((implementation of))~~ regional support networks, or the  
21 secretary's assumption of all responsibilities under chapters 71.05,  
22 71.34, and 71.24 RCW, shall be included in all state and federal plans  
23 affecting the state mental health program including at least those  
24 required by this chapter, the medicaid program, and P.L. 99-660.  
25 Nothing in these plans shall be inconsistent with the intent and  
26 requirements of this chapter.

27 ~~((16))~~ By January 1, 1992, the secretary shall provide available  
28 resources to regional support networks to operate freestanding  
29 evaluation and treatment facilities or for regional support networks to  
30 contract with local hospitals to assure access for regional support  
31 network patients.

32 ~~(17))~~ (15) The secretary shall:

33 (a) Disburse ~~((the first))~~ funds for the regional support networks  
34 ~~((that are ready to begin implementation by January 1, 1990, or))~~  
35 within sixty days of approval of the biennial contract. The department  
36 must either approve or reject the biennial contract within sixty days  
37 of receipt.

38 (b) Enter into biennial contracts with regional support networks  
39 ~~((to begin implementation between January 1, 1990, and March 1, 1990,~~

1 and complete implementation by June 1995)). The contracts shall be  
2 consistent with available resources. No contract shall be approved  
3 that does not include progress toward meeting the goals of this chapter  
4 by taking responsibility for: (i) Short-term commitments; (ii)  
5 residential care; and (iii) emergency response systems.

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

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

24 (e) ~~By March 1, 1990, or within sixty days of approval of the~~  
25 ~~contract continuing through July 1, 1993, provide grants as~~  
26 ~~specifically appropriated by the legislature to regional support~~  
27 ~~networks for evaluation and treatment facilities for persons detained~~  
28 ~~or committed for periods up to seventeen days according to chapter~~  
29 ~~71.05 RCW. For regional support networks created by January 1, 1993,~~  
30 ~~provide grants as specifically appropriated by the legislature to~~  
31 ~~regional support networks for evaluation and treatment facilities for~~  
32 ~~persons detained or committed for periods up to seventeen days~~  
33 ~~according to chapter 71.05 RCW through July 1, 1995.~~

34 (~~f~~) Notify regional support networks of their allocation of  
35 available resources at least sixty days prior to the start of a new  
36 biennial contract period.

37 (~~g~~) (e) Deny funding allocations to regional support networks  
38 based solely upon formal findings of noncompliance with the terms of  
39 the regional support network's contract with the department. Written

1 notice and at least thirty days for corrective action must precede any  
2 such action. In such cases, regional support networks shall have full  
3 rights to appeal under chapter 34.05 RCW.

4 ~~((h))~~ (f) Identify in its departmental biennial operating and  
5 capital budget requests the funds requested by regional support  
6 networks to implement their responsibilities under this chapter.

7 ~~((i) Contract to provide or, if requested, make grants to counties  
8 to provide technical assistance to county authorities or groups of  
9 county authorities to develop regional support networks.~~

10 ~~(18))~~ (16) The department ~~((of social and health services))~~, in  
11 cooperation with the state congressional delegation, shall actively  
12 seek waivers of federal requirements and such modifications of federal  
13 regulations as are necessary to allow federal medicaid reimbursement  
14 for services provided by free-standing evaluation and treatment  
15 facilities certified under chapter 71.05 RCW. The department shall  
16 periodically report its efforts to the health care and corrections  
17 committee of the senate and the human services committee of the house  
18 of representatives.

19 ~~((19))~~ (17) The secretary shall establish a task force to examine  
20 the recruitment, training, and compensation of qualified mental health  
21 professionals in the community, which shall include the advantages and  
22 disadvantages of establishing a training academy, loan forgiveness  
23 program, or educational stipends offered in exchange for commitments of  
24 employment in mental health.

25 NEW SECTION. Sec. 5. A new section is added to chapter 71.24 RCW  
26 to read as follows:

27 (1) The secretary shall by rule establish state minimum standards  
28 for licensed service providers and services.

29 (2) Minimum standards for licensed service providers shall, at a  
30 minimum, establish: Qualifications for staff providing services  
31 directly to mentally ill persons, the intended result of each service,  
32 and the rights and responsibilities of persons receiving mental health  
33 services pursuant to this chapter.

34 (3) Minimum standards for residential services shall be based on  
35 clients' functional abilities and not solely on their diagnoses,  
36 limited to health and safety, staff qualifications, and program  
37 outcomes. Minimum standards for residential services shall be  
38 developed in collaboration with consumers, families, counties,

1 regulators, and residential providers serving the mentally ill. The  
2 minimum standards shall encourage the development of broad-range  
3 residential programs, including integrated housing and cross-systems  
4 programs where appropriate, and shall not unnecessarily restrict  
5 programming flexibility.

6 (4) Minimum standards for community support services and resource  
7 management services shall include at least qualifications for resource  
8 management services, client tracking systems, and the transfer of  
9 patient information between service providers.

10 **Sec. 6.** RCW 71.24.049 and 1986 c 274 s 6 are each amended to read  
11 as follows:

12 By January ~~((1, 1987, and))~~ 1st of each odd-numbered year  
13 ~~((thereafter))~~, the county authority shall identify: (1) The number of  
14 children in each priority group, as defined by this chapter, who are  
15 receiving mental health services funded in part or in whole under this  
16 chapter, (2) the amount of funds under this chapter used for children's  
17 mental health services, (3) an estimate of the number of unserved  
18 children in each priority group, and (4) the estimated cost of serving  
19 these additional children and their families.

20 **Sec. 7.** RCW 71.24.110 and 1982 c 204 s 8 are each amended to read  
21 as follows:

22 ~~((Such))~~ An agreement for the establishment of a community mental  
23 health program under RCW 71.24.100 may also provide:

24 (1) For the joint supervision or operation of services and  
25 facilities, or for the supervision or operation of service and  
26 facilities by one participating county under contract for the other  
27 participating counties; and

28 (2) For such other matters as are necessary or proper to effectuate  
29 the purposes of this chapter.

30 **Sec. 8.** RCW 71.24.220 and 1982 c 204 s 12 are each amended to read  
31 as follows:

32 The secretary may withhold state grants in whole or in part for any  
33 community mental health program in the event of a failure to comply  
34 with this chapter or ~~((regulations made))~~ the related rules adopted by  
35 the department ~~((pursuant thereto relating to the community mental  
36 health program or the administration thereof))~~.

1       **Sec. 9.** RCW 71.24.300 and 1994 c 204 s 2 are each amended to read  
2 as follows:

3       A county authority or a group of county authorities whose combined  
4 population is no less than forty thousand may enter into a joint  
5 operating agreement to form a regional support network. Upon the  
6 request of a tribal authority or authorities within a regional support  
7 network the joint operating agreement or the county authority shall  
8 allow for the inclusion of the tribal authority to be represented as a  
9 party to the regional support network. The roles and responsibilities  
10 of the county and tribal authorities shall be determined by the terms  
11 of that agreement including a determination of membership on the  
12 governing board and advisory committees, the number of tribal  
13 representatives to be party to the agreement, and the provisions of law  
14 and shall assure the provision of culturally competent services to the  
15 tribes served. The state mental health authority may not determine the  
16 roles and responsibilities of county authorities as to each other under  
17 regional support networks by rule, except to assure that all duties  
18 required of regional support networks are assigned and that a single  
19 authority has final responsibility for all available resources and  
20 performance under the regional support network's contract with the  
21 secretary.

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

28       (a) Administer and provide for the availability of all resource  
29 management services, residential services, and community support  
30 services.

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

34       (c) (~~By July 1, 1993,~~) Provide within the boundaries of each  
35 regional support network evaluation and treatment services for at least  
36 eighty-five percent of persons detained or committed for periods up to  
37 seventeen days according to chapter 71.05 RCW. Regional support  
38 networks with populations of less than one hundred fifty thousand may  
39 contract to purchase evaluation and treatment services from other

1 networks. Insofar as the original intent of serving persons in the  
2 community is maintained, the secretary is authorized to approve  
3 exceptions on a case-by-case basis to the requirement to provide  
4 evaluation and treatment services within the boundaries of each  
5 regional support network. Such exceptions are limited to contracts  
6 with neighboring or contiguous regions. (~~For regional support~~  
7 ~~networks that are created after June 30, 1991, the requirements of (c)~~  
8 ~~of this subsection must be met by July 1, 1995.))~~

9 (d) (~~By July 1, 1993,~~) Administer a portion of funds appropriated  
10 by the legislature to house mentally ill persons in state institutions  
11 from counties within the boundaries of any regional support network,  
12 with the exception of (~~mentally ill offenders~~) persons currently  
13 confined at, or under the supervision of, a state mental hospital  
14 pursuant to chapter 10.77 RCW, and provide for the care of all persons  
15 needing evaluation and treatment services for periods up to seventeen  
16 days according to chapter 71.05 RCW in appropriate residential  
17 services, which may include state institutions. The regional support  
18 networks shall reimburse the state for use of state institutions at a  
19 rate equal to that assumed by the legislature when appropriating funds  
20 for such care at state institutions during the biennium when  
21 reimbursement occurs. The duty of a state hospital to accept persons  
22 for evaluation and treatment under chapter 71.05 RCW is limited by the  
23 responsibilities assigned to regional support networks under this  
24 section. (~~For regional support networks that are created after June~~  
25 ~~30, 1991, the requirements of (d) of this subsection must be met by~~  
26 ~~July 1, 1995.))~~

27 (e) Administer and provide for the availability of all other mental  
28 health services, which shall include patient counseling, day treatment,  
29 consultation, education services, employment services as defined in RCW  
30 71.24.035, and mental health services to children as provided in this  
31 chapter.

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

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

37 (3) A regional support network may request that any state-owned  
38 land, building, facility, or other capital asset which was ever  
39 purchased, deeded, given, or placed in trust for the care of the

1 mentally ill and which is within the boundaries of a regional support  
2 network be made available to support the operations of the regional  
3 support network. State agencies managing such capital assets shall  
4 give first priority to requests for their use pursuant to this chapter.

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

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

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

30 (7) (~~By November 1, 1991, and~~) As part of each biennial plan  
31 (~~thereafter~~), each regional support network shall establish and  
32 submit to the state, procedures and agreements to assure access to  
33 sufficient additional local evaluation and treatment facilities to meet  
34 the requirements of this chapter while reducing short-term admissions  
35 to state hospitals. These shall be commitments to construct and  
36 operate, or contract for the operation of, freestanding evaluation and  
37 treatment facilities or agreements with local evaluation and treatment  
38 facilities which shall include (a) required admission and treatment for  
39 short-term inpatient care for any person enrolled in community support

1 or residential services, (b) discharge planning procedures, (c)  
2 limitations on admissions or transfers to state hospitals, (d) adequate  
3 psychiatric supervision, (e) prospective payment methods, and (f)  
4 contractual assurances regarding referrals to local evaluation and  
5 treatment facilities from regional support networks.

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

13 **Sec. 10.** RCW 71.24.400 and 1995 c 96 s 1 are each amended to read  
14 as follows:

15 The legislature finds that the current complex set of federal,  
16 state, and local rules and regulations, audited and administered at  
17 multiple levels, which affect the community mental health service  
18 delivery system, focus primarily on the process of providing mental  
19 health services and do not sufficiently address consumer and system  
20 outcomes. ~~((To this extent,))~~ The legislature finds that the ~~((intent~~  
21 ~~of))~~ department and the community mental health service delivery system  
22 must make ongoing efforts to achieve the purposes set forth in RCW  
23 71.24.015 related to reduced administrative layering, duplication, and  
24 reduced administrative costs ~~((need much more aggressive action)).~~

25 **Sec. 11.** RCW 71.24.405 and 1995 c 96 s 2 are each amended to read  
26 as follows:

27 The department ~~((of social and health services))~~ shall establish a  
28 single comprehensive and collaborative project within regional support  
29 networks and with local mental health service providers aimed at  
30 creating innovative and streamlined community mental health service  
31 delivery systems, in order to carry out the purposes set forth in RCW  
32 71.24.400 and to capture the diversity of the community mental health  
33 service delivery system.

34 The project must accomplish the following:

35 (1) Identification, review, and cataloging of all rules,  
36 regulations, duplicative administrative and monitoring functions, and  
37 other requirements that currently lead to inefficiencies in the

1 community mental health service delivery system and, if possible,  
2 eliminate the requirements;

3 (2) The systematic and incremental development of a single system  
4 of accountability for all federal, state, and local funds provided to  
5 the community mental health service delivery system. Systematic  
6 efforts should be made to include federal and local funds into the  
7 single system of accountability;

8 (3) The elimination of process regulations and related contract and  
9 reporting requirements. In place of the regulations and requirements,  
10 a set of outcomes for mental health adult and children clients  
11 according to chapter 71.24 RCW must be used to measure the performance  
12 of mental health service providers and regional support networks. Such  
13 outcomes shall focus on stabilizing out-of-home and hospital care,  
14 increasing stable community living, increasing age-appropriate  
15 activities, achieving family and consumer satisfaction with services,  
16 and system efficiencies;

17 (4) Evaluation of the feasibility of contractual agreements between  
18 the department of social and health services and regional support  
19 networks and mental health service providers that link financial  
20 incentives to the success or failure of mental health service providers  
21 and regional support networks to meet outcomes established for mental  
22 health service clients;

23 (5) The involvement of mental health consumers and their  
24 representatives in the pilot projects. Mental health consumers and  
25 their representatives will be involved in the development of outcome  
26 standards for mental health clients and other related aspects of the  
27 pilot projects; and

28 (6) An independent evaluation component to measure the success of  
29 the projects.

30 **Sec. 12.** RCW 71.24.415 and 1995 c 96 s 3 are each amended to read  
31 as follows:

32 To carry out the purposes specified in RCW 71.24.400, the  
33 department (~~(of social and health services)~~) is encouraged to utilize  
34 its authority to (~~(immediately)~~) eliminate any unnecessary rules,  
35 regulations, standards, or contracts, to immediately eliminate  
36 duplication of audits or any other unnecessarily duplicated functions,  
37 and to seek any waivers of federal or state rules or regulations  
38 necessary to achieve the purpose of streamlining the community mental

1 health service delivery system and infusing it with incentives that  
2 reward efficiency, positive outcomes for clients, and quality services.

3 **Sec. 13.** RCW 71.24.460 and 1997 c 342 s 4 are each amended to read  
4 as follows:

5 The department, in collaboration with the department of corrections  
6 and the oversight committee created in RCW 71.24.455, shall track  
7 outcomes and submit to the legislature (~~((a report of))~~) annual reports  
8 regarding services and outcomes (~~((by December 1, 1998, and annually~~  
9 ~~thereafter as may be necessary))~~). The reports shall include the  
10 following: (1) A statistical analysis regarding the reoffense and  
11 reinstitutionalization rate by the enrollees in the program set forth  
12 in RCW 71.24.455; (2) a quantitative description of the services  
13 provided in the program set forth in RCW 71.24.455; and (3)  
14 recommendations for any needed modifications in the services and  
15 funding levels to increase the effectiveness of the program set forth  
16 in RCW 71.24.455. By December 1, 2003, the department shall certify  
17 the reoffense rate for enrollees in the program authorized by RCW  
18 71.24.455 to the office of financial management and the appropriate  
19 legislative committees. If the reoffense rate exceeds fifteen percent,  
20 the authorization for the department to conduct the program under RCW  
21 71.24.455 is terminated on January 1, 2004.

22 NEW SECTION. **Sec. 14.** The code reviser shall alphabetize the  
23 definitions in RCW 71.24.025 and correct any cross-references.

24 NEW SECTION. **Sec. 15.** 1989 c 205 s 23 (uncodified) is repealed.

25 NEW SECTION. **Sec. 16.** RCW 71.24.410 and 1998 c 245 s 138 & 1994  
26 c 259 s 3 are each repealed.

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