

E2SHB 1290 - S COMM AMD

By Committee on Human Services & Corrections

NOT ADOPTED 04/14/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 71.24.015 and 2001 c 334 s 6 and 2001 c 323 s 1 are
4 each reenacted and amended to read as follows:

5 It is the intent of the legislature to establish a community mental
6 health program which shall help people experiencing mental illness to
7 retain a respected and productive position in the community. This will
8 be accomplished through programs that focus on resilience and recovery,
9 and practices that are evidence-based, research-based, consensus-based,
10 or, where these do not exist, promising or emerging best practices,
11 which provide for:

12 (1) Access to mental health services for adults of the state who
13 are acutely mentally ill, chronically mentally ill, or seriously
14 disturbed and children of the state who are acutely mentally ill,
15 severely emotionally disturbed, or seriously disturbed, which services
16 recognize the special needs of underserved populations, including
17 minorities, children, the elderly, disabled, and low-income persons.
18 Access to mental health services shall not be limited by a person's
19 history of confinement in a state, federal, or local correctional
20 facility. It is also the purpose of this chapter to promote the early
21 identification of mentally ill children and to ensure that they receive
22 the mental health care and treatment which is appropriate to their
23 developmental level. This care should improve home, school, and
24 community functioning, maintain children in a safe and nurturing home
25 environment, and should enable treatment decisions to be made in
26 response to clinical needs in accordance with sound professional
27 judgment while also recognizing parents' rights to participate in
28 treatment decisions for their children;

29 (2) The involvement of persons with mental illness, their family
30 members, and advocates in designing and implementing mental health

1 services that reduce unnecessary hospitalization and incarceration and
2 promote the recovery and employment of persons with mental illness. To
3 improve the quality of services available and promote the
4 rehabilitation, recovery, and reintegration of persons with mental
5 illness, consumer and advocate participation in mental health services
6 is an integral part of the community mental health system and shall be
7 supported;

8 (3) Accountability of efficient and effective services through
9 state of the art outcome and performance measures and statewide
10 standards for monitoring client and system outcomes, performance, and
11 reporting of client and system outcome information. These processes
12 shall be designed so as to maximize the use of available resources for
13 direct care of people with a mental illness and to assure uniform data
14 collection across the state;

15 ((+3)) (4) Minimum service delivery standards;

16 ((+4)) (5) Priorities for the use of available resources for the
17 care of the mentally ill consistent with the priorities defined in the
18 statute;

19 ((+5)) (6) Coordination of services within the department,
20 including those divisions within the department that provide services
21 to children, between the department and the office of the
22 superintendent of public instruction, and among state mental hospitals,
23 county authorities, regional support networks, community mental health
24 services, and other support services, which shall to the maximum extent
25 feasible also include the families of the mentally ill, and other
26 service providers; and

27 ((+6)) (7) Coordination of services aimed at reducing duplication
28 in service delivery and promoting complementary services among all
29 entities that provide mental health services to adults and children.

30 It is the policy of the state to encourage the provision of a full
31 range of treatment and rehabilitation services in the state for mental
32 disorders including services operated by consumers and advocates. The
33 legislature intends to encourage the development of county-based and
34 county-managed regional mental health services with adequate local
35 flexibility to assure eligible people in need of care access to the
36 least-restrictive treatment alternative appropriate to their needs, and
37 the availability of treatment components to assure continuity of care.
38 To this end, counties are encouraged to enter into joint operating

1 agreements with other counties to form regional systems of care which
2 will integrate planning, administration, and service delivery duties
3 (~~assigned to counties~~) under chapters 71.05 and 71.24 RCW to
4 consolidate administration, reduce administrative layering, and reduce
5 administrative costs. The legislature hereby finds and declares that
6 sound fiscal management requires vigilance to ensure that funds
7 appropriated by the legislature for the provision of needed community
8 mental health programs and services are ultimately expended solely for
9 the purpose for which they were appropriated, and not for any other
10 purpose.

11 It is further the intent of the legislature to integrate the
12 provision of services to provide continuity of care through all phases
13 of treatment. To this end the legislature intends to promote active
14 engagement with mentally ill persons and collaboration between families
15 and service providers.

16 **Sec. 2.** RCW 71.24.025 and 2001 c 323 s 8 are each amended to read
17 as follows:

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

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

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

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

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

29 (2) "Available resources" means funds appropriated for the purpose
30 of providing community mental health programs (~~under RCW 71.24.045~~),
31 federal funds, except those provided according to Title XIX of the
32 Social Security Act, and state funds appropriated under this chapter or
33 chapter 71.05 RCW by the legislature during any biennium for the
34 purpose of providing residential services, resource management
35 services, community support services, and other mental health services.
36 This does not include funds appropriated for the purpose of operating

1 and administering the state psychiatric hospitals, except as negotiated
2 according to RCW 71.24.300(1)((~~e~~)) (d).

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

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

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

8 (b) Has experienced a continuous psychiatric hospitalization or
9 residential treatment exceeding six months' duration within the
10 preceding year; or

11 (c) Has been unable to engage in any substantial gainful activity
12 by reason of any mental disorder which has lasted for a continuous
13 period of not less than twelve months. "Substantial gainful activity"
14 shall be defined by the department by rule consistent with Public Law
15 92-603, as amended.

16 (5) "Community mental health program" means all mental health
17 services, activities, or programs using available resources.

18 (6) "Community mental health service delivery system" means public
19 or private agencies that provide services specifically to persons with
20 mental disorders as defined under RCW 71.05.020 and receive funding
21 from public sources.

22 (7) "Community support services" means services authorized,
23 planned, and coordinated through resource management services
24 including, at a minimum, assessment, diagnosis, emergency crisis
25 intervention available twenty-four hours, seven days a week,
26 prescreening determinations for mentally ill persons being considered
27 for placement in nursing homes as required by federal law, screening
28 for patients being considered for admission to residential services,
29 diagnosis and treatment for acutely mentally ill and severely
30 emotionally disturbed children discovered under screening through the
31 federal Title XIX early and periodic screening, diagnosis, and
32 treatment program, investigation, legal, and other nonresidential
33 services under chapter 71.05 RCW, case management services, psychiatric
34 treatment including medication supervision, counseling, psychotherapy,
35 assuring transfer of relevant patient information between service
36 providers, recovery services, and other services determined by regional
37 support networks.

1 (8) "Consensus-based" means a program or practice that has general
2 support among treatment providers and experts, based on experience or
3 professional literature, and may have anecdotal or case study support,
4 or that is agreed but not possible to perform studies with random
5 assignment and controlled groups.

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

11 ~~((+9))~~ (10) "Department" means the department of social and health
12 services.

13 ~~((+10))~~ (11) "Emerging best practice" or "promising practice"
14 means a practice that presents, based on preliminary information,
15 potential for becoming a research-based or consensus-based practice.

16 (12) "Evidence-based" means a program or practice that has had
17 multiple site random controlled trials across heterogeneous populations
18 demonstrating that the program or practice is effective for the
19 population.

20 (13) "Licensed service provider" means an entity licensed according
21 to this chapter or chapter 71.05 RCW or an entity deemed to meet state
22 minimum standards as a result of accreditation by a recognized
23 behavioral health accrediting body recognized and having a current
24 agreement with the department, that meets state minimum standards or
25 individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW,
26 as it applies to registered nurses and advanced registered nurse
27 practitioners.

28 ~~((+11))~~ (14) "Mental health services" means all services provided
29 by regional support networks and other services provided by the state
30 for the mentally ill.

31 ~~((+12))~~ (15) "Mentally ill persons" and "the mentally ill" mean
32 persons and conditions defined in subsections (1), (4), ~~((+17))~~ (23),
33 and ~~((+18))~~ (24) of this section.

34 ~~((+13))~~ (16) "Regional support network" means a county authority
35 or group of county authorities or other entity recognized by the
36 secretary ~~((that enter into joint operating agreements to contract with~~
37 ~~the secretary pursuant to this chapter))~~ through a department
38 procurement process.

1 ~~((14))~~ (17) "Residential services" means a complete range of
2 residences and supports authorized by resource management services and
3 which may involve a facility, a distinct part thereof, or services
4 which support community living, for acutely mentally ill persons,
5 chronically mentally ill adults, severely emotionally disturbed
6 children, or seriously disturbed adults determined by the regional
7 support network to be at risk of becoming acutely or chronically
8 mentally ill. The services shall include at least evaluation and
9 treatment services as defined in chapter 71.05 RCW, acute crisis
10 respite care, long-term adaptive and rehabilitative care, and
11 supervised and supported living services, and shall also include any
12 residential services developed to service mentally ill persons in
13 nursing homes, and may include outpatient services provided as an
14 element in a package of services in a supported housing model.
15 Residential services for children in out-of-home placements related to
16 their mental disorder shall not include the costs of food and shelter,
17 except for children's long-term residential facilities existing prior
18 to January 1, 1991.

19 ~~((15))~~ (18) "Recovery" means the process in which people are able
20 to live, work, learn, and participate fully in their communities.

21 (19) "Research-based" means a program or practice that has some
22 research demonstrating effectiveness, but that does not yet meet the
23 standard of evidence-based practices.

24 (20) "Resilience" means the personal and community qualities that
25 enable individuals to rebound from adversity, trauma, tragedy, threats,
26 or other stresses, and to live productive lives.

27 (21) "Resource management services" mean the planning,
28 coordination, and authorization of residential services and community
29 support services administered pursuant to an individual service plan
30 for: (a) Acutely mentally ill adults and children; (b) chronically
31 mentally ill adults; (c) severely emotionally disturbed children; or
32 (d) seriously disturbed adults determined solely by a regional support
33 network to be at risk of becoming acutely or chronically mentally ill.
34 Such planning, coordination, and authorization shall include mental
35 health screening for children eligible under the federal Title XIX
36 early and periodic screening, diagnosis, and treatment program.
37 Resource management services include seven day a week, twenty-four hour
38 a day availability of information regarding mentally ill adults' and

1 children's enrollment in services and their individual service plan to
2 county-designated mental health professionals, evaluation and treatment
3 facilities, and others as determined by the regional support network.

4 ~~((+16+))~~ (22) "Secretary" means the secretary of social and health
5 services.

6 ~~((+17+))~~ (23) "Seriously disturbed person" means a person who:

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

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

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

16 (d) Exhibits suicidal preoccupation or attempts; or

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

22 ~~((+18+))~~ (24) "Severely emotionally disturbed child" means a child
23 who has been determined by the regional support network to be
24 experiencing a mental disorder as defined in chapter 71.34 RCW,
25 including those mental disorders that result in a behavioral or conduct
26 disorder, that is clearly interfering with the child's functioning in
27 family or school or with peers and who meets at least one of the
28 following criteria:

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

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

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

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

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

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

9 ~~((+19+))~~ (25) "State minimum standards" means minimum requirements
10 established by rules adopted by the secretary and necessary to
11 implement this chapter for: (a) Delivery of mental health services;
12 (b) licensed service providers for the provision of mental health
13 services; (c) residential services; and (d) community support services
14 and resource management services.

15 ~~((+20+))~~ (26) "Tribal authority," for the purposes of this section
16 and RCW 71.24.300 only, means: The federally recognized Indian tribes
17 and the major Indian organizations recognized by the secretary insofar
18 as these organizations do not have a financial relationship with any
19 regional support network that would present a conflict of interest.

20 NEW SECTION. Sec. 3. A new section is added to chapter 71.24 RCW
21 to read as follows:

22 (1) The secretary shall establish, on a pilot basis, a procurement
23 process in each county with a population over one million persons to
24 establish a regional support network. The pilot procurement process
25 shall encourage the preservation of infrastructure previously purchased
26 by the community mental service delivery system, the maintenance of
27 linkages between other services and delivery systems, and maximization
28 of the use of available funds for services versus profits. County,
29 provider, and consumer/advocate-based organizations shall be given the
30 opportunity to compete and to have their bids considered on an equal
31 basis with any other competing entity. The procurement process shall
32 provide that public funds shall not be used to promote or deter,
33 encourage, or discourage employees from exercising their rights under
34 section 7 of the federal labor relations act. The secretary shall seek
35 input from stakeholders in the development of the procurement.

36 (2) In addition to the requirements of RCW 71.24.035, the process
37 shall:

1 (a) Define administrative costs and ensure that the regional
2 support network does not exceed an administrative cost of ten percent
3 of available funds;

4 (b) Require that existing collaboration between agencies and
5 government bodies, including state, county, and city law enforcement
6 and correctional agencies, be maintained and improved;

7 (c) Require continued collaboration with the county alcohol and
8 drug coordinators and adherence to any department adopted integrated
9 screening and assessment process for mental and substance abuse
10 disorders; and

11 (d) Provide the secretary with the authority and a process to hold
12 both the regional support networks and any subcontractors accountable
13 for accomplishing the provisions of the contract.

14 (3) The procurement process shall also include a requirement for a
15 separately funded mental health ombudsman office in each regional
16 support network that is independent of the regional support network.
17 The ombudsman office shall maximize the use of consumer advocates.

18 (4) The pilot shall take effect July 1, 2005, and end June 30,
19 2007.

20 **Sec. 4.** RCW 71.24.035 and 2001 c 334 s 7 and 2001 c 323 s 10 are
21 each reenacted and amended to read as follows:

22 (1) The department is designated as the state mental health
23 authority.

24 (2) The secretary shall provide for public, client, and licensed
25 service provider participation in developing the state mental health
26 program, developing contracts with regional support networks, and any
27 waiver request to the federal government under medicaid.

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

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

36 (5) The secretary shall:

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

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

12 (A) Outpatient services;

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

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

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

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

29 (F) Consultation and education services; and

30 (G) Community support services;

31 (c) Develop and adopt rules establishing state minimum standards
32 for the delivery of mental health services pursuant to RCW 71.24.037
33 including, but not limited to:

34 (i) Licensed service providers. These rules shall permit a county-
35 operated mental health program to be licensed as a service provider
36 subject to compliance with applicable statutes and rules. The
37 secretary shall provide for deeming of compliance with state minimum

1 standards for those entities accredited by recognized behavioral health
2 accrediting bodies recognized and having a current agreement with the
3 department;

4 (ii) Regional support networks; and

5 (iii) Inpatient services, evaluation and treatment services and
6 facilities under chapter 71.05 RCW, resource management services, and
7 community support services;

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

11 (e) Establish a standard contract or contracts, consistent with
12 state minimum standards, which shall be used in contracting with
13 regional support networks (~~or counties~~). The standard contract shall
14 include a maximum fund balance, which shall (~~not exceed ten percent~~)
15 be consistent with that required by federal regulations or waiver
16 stipulations;

17 (f) Establish, to the extent possible, a standardized auditing
18 procedure which minimizes paperwork requirements of (~~county~~
19 ~~authorities~~) regional support networks and licensed service providers.
20 The audit procedure shall focus on the outcomes of service and not the
21 processes for accomplishing them;

22 (g) Develop and maintain an information system to be used by the
23 state, counties, and regional support networks that includes a tracking
24 method which allows the department and regional support networks to
25 identify mental health clients' participation in any mental health
26 service or public program on an immediate basis. The information
27 system shall not include individual patient's case history files.
28 Confidentiality of client information and records shall be maintained
29 as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410,
30 71.05.420, 71.05.430, and 71.05.440. The design of the system and the
31 data elements to be collected shall be reviewed by the work group
32 appointed by the secretary under section 5(1) of this act and
33 representing the department, regional support networks, service
34 providers, consumers, and advocates. The data elements shall be
35 designed to provide information that is needed to measure performance
36 and achieve the service outcomes identified in section 5 of this act;

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

- 1 (i) Certify regional support networks that meet state minimum
2 standards;
- 3 (j) Periodically monitor the compliance of certified regional
4 support networks and their network of licensed service providers for
5 compliance with the contract between the department, the regional
6 support network, and federal and state rules at reasonable times and in
7 a reasonable manner;
- 8 (k) Fix fees to be paid by evaluation and treatment centers to the
9 secretary for the required inspections;
- 10 (l) Monitor and audit (~~counties,~~) regional support networks(~~)~~
11 and licensed service providers as needed to assure compliance with
12 contractual agreements authorized by this chapter; (~~and~~)
- 13 (m) Adopt such rules as are necessary to implement the department's
14 responsibilities under this chapter; and
- 15 (n) Assure the availability of an appropriate amount, as determined
16 by the legislature in the operating budget by amounts appropriated for
17 this specific purpose, of community-based, geographically distributed
18 residential services.
- 19 (6) The secretary shall use available resources only for (~~regional~~
20 ~~support networks~~) the community mental health service delivery system,
21 consistent with the priorities for both client populations and the
22 services to be provided as defined in this chapter.
- 23 (7) Each certified regional support network and licensed service
24 provider shall file with the secretary, on request, such data,
25 statistics, schedules, and information as the secretary reasonably
26 requires. A certified regional support network or licensed service
27 provider which, without good cause, fails to furnish any data,
28 statistics, schedules, or information as requested, or files fraudulent
29 reports thereof, may have its certification or license revoked or
30 suspended.
- 31 (8) The secretary may suspend, revoke, limit, or restrict a
32 certification or license, or refuse to grant a certification or license
33 for failure to conform to: (a) The law; (b) applicable rules and
34 regulations; (c) applicable standards; or (d) state minimum standards.
- 35 (9) The superior court may restrain any regional support network or
36 service provider from operating without certification or a license or
37 any other violation of this section. The court may also review,
38 pursuant to procedures contained in chapter 34.05 RCW, any denial,

1 suspension, limitation, restriction, or revocation of certification or
2 license, and grant other relief required to enforce the provisions of
3 this chapter.

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

10 (11) Notwithstanding the existence or pursuit of any other remedy,
11 the secretary may file an action for an injunction or other process
12 against any person or governmental unit to restrain or prevent the
13 establishment, conduct, or operation of a regional support network or
14 service provider without certification or a license under this chapter.

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

20 (13)(a) The department, in consultation with affected parties,
21 shall establish a distribution formula that reflects ((~~county~~))
22 regional needs assessments based on the number of persons who are
23 acutely mentally ill, chronically mentally ill, severely emotionally
24 disturbed children, and seriously disturbed. The formula shall take
25 into consideration the impact on ((~~counties~~)) regions of demographic
26 factors ((~~in counties~~)) which result in concentrations of priority
27 populations as set forth in subsection (5)(b) of this section. These
28 factors shall include the population concentrations resulting from
29 commitments under chapters 71.05 and 71.34 RCW to state psychiatric
30 hospitals, as well as concentration in urban areas, at border crossings
31 at state boundaries, and other significant demographic and workload
32 factors.

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

37 (c) After July 1, 2003, the department may allocate up to two
38 percent of total funds to be distributed to the regional support

1 networks for incentive payments to reward the achievement of superior
2 outcomes, or significantly improved outcomes, as measured by a
3 statewide performance measurement system consistent with the framework
4 recommended in the joint legislative audit and review committee's
5 performance audit of the mental health system. The department shall
6 annually report to the legislature on its criteria and allocation of
7 the incentives provided under this subsection.

8 (14) The secretary shall assume all duties assigned to the
9 nonparticipating (~~counties~~) regional support networks under chapters
10 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those
11 which would have been assigned to the nonparticipating counties
12 (~~under~~) in regions where there are not participating regional support
13 networks.

14 The regional support networks, or the secretary's assumption of all
15 responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be
16 included in all state and federal plans affecting the state mental
17 health program including at least those required by this chapter, the
18 medicaid program, and P.L. 99-660. Nothing in these plans shall be
19 inconsistent with the intent and requirements of this chapter.

20 (15) The secretary shall:

21 (a) Disburse funds for the regional support networks within sixty
22 days of approval of the biennial contract. The department must either
23 approve or reject the biennial contract within sixty days of receipt.

24 (b) Enter into biennial contracts with regional support networks.
25 The contracts shall be consistent with available resources. No
26 contract shall be approved that does not include progress toward
27 meeting the goals of this chapter by taking responsibility for: (i)
28 Short-term commitments; (ii) residential care; and (iii) emergency
29 response systems.

30 (~~(c) ((Allocate one hundred percent of available resources to the~~
31 ~~regional support networks in accordance with subsection (13) of this~~
32 ~~section. Incentive payments authorized under subsection (13) of this~~
33 ~~section may be allocated separately from other available resources.~~

34 (~~d~~)) 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 (~~(e)~~) (d) Deny funding allocations to regional support networks
38 based solely upon formal findings of noncompliance with the terms of

1 the regional support network's contract with the department. Written
2 notice and at least thirty days for corrective action must precede any
3 such action. In such cases, regional support networks shall have full
4 rights to appeal under chapter 34.05 RCW.

5 (16) The department, in cooperation with the state congressional
6 delegation, shall actively seek waivers of federal requirements and
7 such modifications of federal regulations as are necessary to allow
8 federal medicaid reimbursement for services provided by free-standing
9 evaluation and treatment facilities certified under chapter 71.05 RCW.
10 The department shall periodically report its efforts to the appropriate
11 committees of the senate and the house of representatives.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 71.24 RCW
13 to read as follows:

14 Any regional support network selected pursuant to the pilot
15 procurement process under section 3 of this act shall:

16 (1) Contract as needed with licensed service providers. The
17 regional support network may, in the absence of a licensed service
18 provider entity, become a licensed service provider entity pursuant to
19 minimum standards required for licensing by the department for the
20 purpose of providing services not available from licensed service
21 providers;

22 (2) Operate as a licensed service provider if it deems that doing
23 so is more efficient and cost-effective than contracting for services.
24 When doing so, the regional support network shall comply with rules
25 promulgated by the secretary that shall provide measurements to
26 determine when a regional support network provided service is more
27 efficient and cost-effective;

28 (3) Monitor and perform biennial fiscal audits of licensed service
29 providers who have contracted with the regional support network to
30 provide services required by this chapter. The monitoring and audits
31 shall be performed by means of a formal process which ensures that the
32 licensed service providers and professionals designated in this
33 subsection meet the terms of their contracts;

34 (4) Assure that the special needs of minorities, the elderly,
35 individuals with disabilities, children, and low-income persons are met
36 within the priorities established in this chapter;

1 (5) Maintain patient tracking information in a central location as
2 required for resource management services and the department's
3 information system;

4 (6) Work with county authorities to ensure that policies do not
5 result in an adverse shift of mentally ill persons into state and local
6 correctional facilities;

7 (7) Work with the department to expedite the enrollment or re-
8 enrollment of eligible persons leaving state or local correctional
9 facilities and institutions for mental diseases;

10 (8) If a regional support network under the pilot procurement
11 process is not controlled by the county, work closely with the county
12 designated mental health professional or county designated crisis
13 responder to maximize appropriate placement of persons into community
14 services; and

15 (9) Coordinate services for individuals who have received services
16 through the community mental health system and who become patients at
17 a state mental hospital.

18 **Sec. 6.** RCW 71.24.240 and 1982 c 204 s 13 are each amended to read
19 as follows:

20 In order to establish eligibility for funding under this chapter,
21 any (~~county or counties~~) regional support network seeking to obtain
22 federal funds for the support of any aspect of a community mental
23 health program as defined in this chapter shall submit program plans to
24 the secretary for prior review and approval before such plans are
25 submitted to any federal agency.

26 **Sec. 7.** RCW 71.24.300 and 2001 c 323 s 17 are each amended to read
27 as follows:

28 A county authority or a group of county authorities whose combined
29 population is no less than forty thousand may enter into a joint
30 operating agreement to form a regional support network. Upon the
31 request of a tribal authority or authorities within a regional support
32 network the joint operating agreement or the county authority shall
33 allow for the inclusion of the tribal authority to be represented as a
34 party to the regional support network. The roles and responsibilities
35 of the county and tribal authorities shall be determined by the terms
36 of that agreement including a determination of membership on the

1 governing board and advisory committees, the number of tribal
2 representatives to be party to the agreement, and the provisions of law
3 and shall assure the provision of culturally competent services to the
4 tribes served. The state mental health authority may not determine the
5 roles and responsibilities of county authorities as to each other under
6 regional support networks by rule, except to assure that all duties
7 required of regional support networks are assigned and that counties
8 and the regional support network do not duplicate functions and that a
9 single authority has final responsibility for all available resources
10 and performance under the regional support network's contract with the
11 secretary. If a regional support network subject to the procurement
12 process in section 3 of this act is a private entity, the department
13 shall allow for the inclusion of the tribal authority to be represented
14 as a party to the regional support network. The roles and
15 responsibilities of the private entity and the tribal authorities shall
16 be determined by the department, through negotiation with the tribal
17 authority.

18 (1) Regional support networks shall submit an overall six-year
19 operating and capital plan, timeline, and budget and submit progress
20 reports and an updated two-year plan biennially thereafter, to assume
21 within available resources all of the following duties:

22 (a) Administer and provide for the availability of all resource
23 management services, residential services, and community support
24 services.

25 (b) Assume the powers and duties of county authorities within its
26 area as described in RCW 71.24.045 (1) through (7).

27 (c) Administer and provide for the availability of all
28 investigation, transportation, court-related, and other services
29 provided by the state or counties pursuant to chapter 71.05 RCW.

30 (d) Provide within the boundaries of each regional support network
31 evaluation and treatment services for at least eighty-five percent of
32 persons detained or committed for periods up to seventeen days
33 according to chapter 71.05 RCW. Regional support networks with
34 populations of less than one hundred fifty thousand may contract to
35 purchase evaluation and treatment services from other networks.
36 Insofar as the original intent of serving persons in the community is
37 maintained, the secretary is authorized to approve exceptions on a
38 case-by-case basis to the requirement to provide evaluation and

1 treatment services within the boundaries of each regional support
2 network. Such exceptions are limited to contracts with neighboring or
3 contiguous regions.

4 (e) Administer a portion of funds appropriated by the legislature
5 to house mentally ill persons in state institutions from counties
6 within the boundaries of any regional support network, with the
7 exception of persons currently confined at, or under the supervision
8 of, a state mental hospital pursuant to chapter 10.77 RCW, and provide
9 for the care of all persons needing evaluation and treatment services
10 for periods up to seventeen days according to chapter 71.05 RCW in
11 appropriate residential services, which may include state institutions.
12 The regional support networks shall reimburse the state for use of
13 state institutions at a rate equal to that assumed by the legislature
14 when appropriating funds for such care at state institutions during the
15 biennium when reimbursement occurs. The secretary shall submit a
16 report to the appropriate committees of the senate and house of
17 representatives on the efforts to implement this section by October 1,
18 2002. The duty of a state hospital to accept persons for evaluation
19 and treatment under chapter 71.05 RCW is limited by the
20 responsibilities assigned to regional support networks under this
21 section.

22 (f) Administer and provide for the availability of all other mental
23 health services, which shall include patient counseling, day treatment,
24 consultation, education services, employment services as defined in RCW
25 71.24.035, and mental health services to children as provided in this
26 chapter designed to achieve the outcomes specified in section 5 of this
27 act.

28 (g) Establish standards and procedures for reviewing individual
29 service plans and determining when that person may be discharged from
30 resource management services.

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

33 (3) A regional support network may request that any state-owned
34 land, building, facility, or other capital asset which was ever
35 purchased, deeded, given, or placed in trust for the care of the
36 mentally ill and which is within the boundaries of a regional support
37 network be made available to support the operations of the regional

1 support network. State agencies managing such capital assets shall
2 give first priority to requests for their use pursuant to this chapter.

3 (4) Each regional support network shall appoint a mental health
4 advisory board which shall review and provide comments on plans and
5 policies developed under this chapter, provide local oversight
6 regarding the activities of the regional support network, and work with
7 the regional support network to resolve significant concerns regarding
8 service delivery and outcomes. The department shall establish
9 procedures for the operation of regional advisory committees including
10 mechanisms for advisory board feedback to the department regarding
11 regional support network performance. The composition of the board
12 shall be established by the department and be broadly representative of
13 the demographic character of the region and the mentally ill persons
14 served therein. The membership shall include, but not be limited to
15 representatives of consumers, families, county-elected officials, and
16 law enforcement. Length of terms of board members shall be determined
17 by the regional support network.

18 (5) Regional support networks shall assume all duties specified in
19 their plans and joint operating agreements through biennial contractual
20 agreements with the secretary.

21 (6) Counties or groups of counties participating in a regional
22 support network are not subject to RCW 71.24.045(6).

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

30 **Sec. 8.** RCW 74.09.010 and 1990 c 296 s 6 are each amended to read
31 as follows:

32 As used in this chapter:

33 (1) "Children's health program" means the health care services
34 program provided to children under eighteen years of age and in
35 households with incomes at or below the federal poverty level as
36 annually defined by the federal department of health and human services

1 as adjusted for family size, and who are not otherwise eligible for
2 medical assistance or the limited casualty program for the medically
3 needy.

4 ~~(2) ("Committee" means the children's health services committee~~
5 ~~created in section 3 of this act.~~

6 ~~(3))~~ "Community services office" means the county or local office
7 defined in RCW 74.04.005.

8 (3) "Confined" or "confinement" means incarcerated in a
9 correctional institution or admitted to an institution for mental
10 diseases.

11 (4) "Correctional institution" means a correctional institution
12 defined in RCW 9.94.049.

13 (5) "County" means the board of county commissioners, county
14 council, county executive, or tribal jurisdiction, or its designee. A
15 combination of two or more county authorities or tribal jurisdictions
16 may enter into joint agreements to fulfill the requirements of RCW
17 74.09.415 through 74.09.435.

18 ~~((4))~~ (6) "Department" means the department of social and health
19 services.

20 ~~((5))~~ (7) "Department of health" means the Washington state
21 department of health created pursuant to RCW 43.70.020.

22 ~~((6))~~ (8) "Institution for mental diseases" has the meaning
23 defined in 42 C.F.R., part 435, Sec. 1009.

24 (9) "Internal management" means the administration of medical
25 assistance, medical care services, the children's health program, and
26 the limited casualty program.

27 ~~((7))~~ (10) "Likely to be eligible" means that a person:

28 (a) Was enrolled in medicaid or supplemental security income or
29 general assistance immediately before he or she was confined and his or
30 her enrollment was terminated during his or her confinement; or

31 (b) Was enrolled in medicaid or supplemental security income or
32 general assistance at any time during the five years before his or her
33 confinement, and medical or psychiatric examinations during the
34 person's confinement indicate that the person continues to be disabled
35 and the disability is likely to last at least twelve months following
36 release.

37 (11) "Limited casualty program" means the medical care program
38 provided to medically needy persons as defined under Title XIX of the

1 federal social security act, and to medically indigent persons who are
2 without income or resources sufficient to secure necessary medical
3 services.

4 ~~((+8))~~ (12) "Medicaid eligibility category" refers to all existing
5 eligibility categories established in the state medicaid plan,
6 including enrollment in medicaid by virtue of eligibility to receive
7 cash payments under the supplemental security income program of the
8 social security administration.

9 (13) "Medical assistance" means the federal aid medical care
10 program provided to categorically needy persons as defined under Title
11 XIX of the federal social security act.

12 ~~((+9))~~ (14) "Medical care services" means the limited scope of
13 care financed by state funds and provided to general assistance
14 recipients, and recipients of alcohol and drug addiction services
15 provided under chapter 74.50 RCW.

16 ~~((+10))~~ (15) "Nursing home" means nursing home as defined in RCW
17 18.51.010.

18 ~~((+11))~~ (16) "Parent" means a parent, guardian, or legal
19 custodian.

20 (17) "Poverty" means the federal poverty level determined annually
21 by the United States department of health and human services, or
22 successor agency.

23 ~~((+12))~~ (18) "Secretary" means the secretary of social and health
24 services.

25 NEW SECTION. Sec. 9. A new section is added to chapter 74.09 RCW
26 to read as follows:

27 (1) The economic services administration shall adopt standardized
28 statewide screening and application practices and forms. These
29 practices and forms shall be implemented in every local office not
30 later than January 1, 2006.

31 (2) The forms shall be structured to facilitate completion by
32 persons with disabilities, including those with mental disorders.

33 (3) Neither the department nor any local office may exclude a
34 person from application or screen that person as ineligible for
35 medicaid based solely on a determination that the person is using or
36 addicted to alcohol or other psychoactive substances, as defined in
37 chapter 70.96A RCW.

1 (4) Neither the department nor any local office may remove a
2 confined person from an active medicaid caseload sooner than required
3 by federal law.

4 (5) Subject to available funds, the department shall provide
5 persons with assistance in preparing applications and maintaining
6 eligibility for medicaid.

7 NEW SECTION. **Sec. 10.** A new section is added to chapter 74.09 RCW
8 to read as follows:

9 The secretary shall negotiate with the social security
10 administration in good faith to establish a prerelease agreement or
11 agreements under which the department will work collaboratively with
12 the social security administration, correctional institutions,
13 institutions for mental diseases, and the department of corrections to
14 ensure that applications on behalf of confined persons who are likely
15 to be eligible for supplemental security income or social security
16 disability income are accepted, whenever possible, at the earliest
17 possible date prior to release from confinement and are speedily
18 handled by the social security administration to maximize the
19 opportunity for confined persons to have an eligibility determination
20 and enrollment in place on the day of release from confinement.

21 NEW SECTION. **Sec. 11.** A new section is added to chapter 74.09 RCW
22 to read as follows:

23 (1) The department and each of its community services offices shall
24 enter interlocal agreements with correctional institutions, the
25 regional support networks, the department of corrections, and
26 institutions for mental diseases to expedite medical assistance
27 eligibility determinations for persons likely to be eligible for
28 services under this chapter, upon release from confinement.

29 (2) The interlocal agreements shall establish procedures to
30 facilitate eligibility determinations, and enrollment on the day of
31 release from confinement whenever possible.

32 (3) The interlocal agreements shall define the responsibilities of
33 each party, and the procedures through which those responsibilities
34 will be fulfilled. At a minimum, the agreements shall provide that:

35 (a) If a person is likely to be eligible, as defined in this
36 chapter, the correctional institution, department of corrections, or

1 institution for mental diseases shall notify the designated community
2 services office of the person's anticipated release date at the
3 earliest practicable time prior to release from confinement. If a
4 correctional institution does not know the anticipated release date, or
5 a person is ordered to be immediately released, the correctional
6 institution shall notify the community services office at the earliest
7 opportunity;

8 (b) The community services office shall find the person
9 presumptively eligible for medical assistance under this chapter, to
10 the maximum extent allowable under federal law, and shall facilitate
11 prompt completion of a final eligibility determination;

12 (c) Where medical or psychiatric examinations during a person's
13 confinement indicate that the person is disabled, the correctional
14 institution, department of corrections, or institution for mental
15 diseases shall provide that information to the department and the
16 department shall, to the maximum extent permitted by federal law, use
17 the examination in making its determination whether the person is
18 disabled and eligible for medical assistance.

19 NEW SECTION. **Sec. 12.** A new section is added to chapter 71.24 RCW
20 to read as follows:

21 The secretary shall require the regional support networks to
22 develop interlocal agreements pursuant to section 11 of this act. To
23 this end, the regional support networks shall accept referrals for
24 enrollment on behalf of a confined person, prior to the person's
25 release.

26 NEW SECTION. **Sec. 13.** A new section is added to chapter 72.09 RCW
27 to read as follows:

28 The secretary shall negotiate with the department of social and
29 health services and the regional support networks to reach an agreement
30 under section 11 of this act.

31 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.20A
32 RCW to read as follows:

33 The department shall report to the appropriate committees of the
34 legislature by September 30, 2005, and annually thereafter:

- 1 (1) The number of agreements developed under sections 10 through 13
- 2 of this act;
- 3 (2) The number of persons with mental disorders and co-occurring
- 4 mental and chemical dependency disorders leaving confinement with
- 5 established or restored medical assistance enrollment;
- 6 (3) The number of persons enrolled in the regional support networks
- 7 upon release; and
- 8 (4) The number of persons denied eligibility or enrollment.

9 NEW SECTION. **Sec. 15.** (1) A joint legislative and executive task
10 force on mental health services delivery and financing is created. The
11 joint task force shall consist of eight members, as follows: The
12 secretary of the department of social and health services or his or her
13 designee; the president of the Washington state association of counties
14 or his or her designee; a representative from the governor's office;
15 two members of the senate appointed by the president of the senate, one
16 of whom shall be a member of the majority caucus and one of whom shall
17 be a member of the minority caucus; two members of the house of
18 representatives appointed by the speaker of the house of
19 representatives, one of whom shall be a member of the majority caucus
20 and one of whom shall be a member of the minority caucus; and the chair
21 of the joint legislative audit and review committee or his or her
22 designee. Staff support for the joint task force shall be provided by
23 the office of financial management, the house of representatives office
24 of program research, and senate committee services.

25 (2) The joint task force may create advisory committees to assist
26 the joint task force in its work.

27 (3) Joint task force members may be reimbursed for travel expenses
28 as authorized under RCW 43.03.050 and 43.03.060 and chapter 44.04 RCW,
29 as appropriate. Advisory committee members, if appointed, shall not
30 receive compensation or reimbursement for travel or expenses.

31 (4) The joint task force shall oversee and make recommendations
32 related to:

33 (a) The reorganization of the mental health administrative
34 structure within the department of social and health services;

35 (b) The pilot procurement process established by section 3 of this
36 act, including a preprocurement request for information to identify

1 organizations qualified to be designated a regional support network and
2 regional support networks that are currently meeting or exceeding the
3 contract requirements;

4 (c) The establishment of regional support networks in counties with
5 a population greater than one million through the pilot procurement
6 process;

7 (d) Serving the needs of nonmedicaid consumers for the priority
8 populations under chapter 71.24 RCW; and

9 (e) The types, numbers, and locations of inpatient psychiatric
10 hospital and community residential beds needed to serve persons with a
11 mental illness.

12 (5) The joint task force shall report its initial findings and
13 recommendations to the governor and appropriate committees of the
14 legislature by January 1, 2006, and its final findings and
15 recommendations by June 30, 2007.

16 (6) This section expires June 30, 2007.

17 NEW SECTION. **Sec. 16.** This act does not affect any existing right
18 acquired or liability or obligation incurred under the sections amended
19 or repealed in this act or under any rule or order adopted under those
20 sections, nor does it affect any proceeding instituted under those
21 sections.

22 NEW SECTION. **Sec. 17.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 18.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 July 1, 2005."

NOT ADOPTED 04/14/2005

1 On page 1, line 1 of the title, after "services;" strike the
2 remainder of the title and insert "amending RCW 71.24.025, 71.24.240,
3 71.24.300, and 74.09.010; reenacting and amending RCW 71.24.015 and
4 71.24.035; adding new sections to chapter 71.24 RCW; adding new
5 sections to chapter 74.09 RCW; adding a new section to chapter 72.09
6 RCW; adding a new section to chapter 43.20A RCW; creating new sections;
7 providing an effective date; providing an expiration date; and
8 declaring an emergency."

EFFECT: Creates a pilot procurement process to determine whether competitive bidding for regional support networks is an effective process; uses the Senate language on the expedited establishment and re-establishment of medical assistance eligibility and RSN enrollment; adds definitions of research-based, consensus-based, and promising or emerging best practices and adds them to the requirements.

--- END ---