

ESSB 5389 - S AMD 904

By Senator Becker

ADOPTED 01/22/2020

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

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

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

13 (1) The University of Washington, in collaboration with project
14 ECHO (extension for community healthcare outcomes), shall design a
15 training curriculum and training delivery system to train middle,
16 junior high, and high school staff to identify students who are at
17 risk for substance abuse, violence, or youth suicide.

18 (2) The training curriculum in subsection (1) of this section
19 must:

- 20 (a) Be developed in consultation with mental health providers;
21 (b) Align with national best practices; and
22 (c) Be designed to assist any school staff in identifying
23 students who:
24 (i) May be struggling with mental health issues;
25 (ii) Have had thoughts of suicide or harming others; and
26 (iii) Have abused, are abusing, or are at risk of abusing alcohol
27 or drugs, including opioids.

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

1 (4) Project ECHO shall coordinate with medical schools,
2 hospitals, clinics, and independent providers to develop a directory
3 of psychiatrists licensed to practice in Washington state who have
4 access to telemedicine technology and are able to provide psychiatric
5 teleconsultations to students who are determined to be at risk for
6 substance abuse or committing violence to themselves or others.
7 Project ECHO must update the directory periodically and make the
8 directory available to all middle, junior high, and high schools in
9 the state.

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

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

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

18 (a) The development of the training curriculum, training delivery
19 system, and directory of psychiatrists required by section 2 of this
20 act; and

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

24 (2) The University of Washington shall develop:

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

28 (b) Methodology for determining the amount of a reimbursement
29 paid to a psychiatrist.

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

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

35 (1) If a certificated or classified employee trained under
36 section 7 of this act, or a school counselor, school psychologist, or
37 school social worker, identifies a student who may be at risk for
38 substance abuse, violence, or youth suicide, a school counselor,

1 school psychologist, school social worker, or school nurse must
2 screen the student to determine if the student is at risk for
3 substance abuse, violence, or youth suicide.

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

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

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

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

19 (3) If, following the initial psychiatry teleconsultation as
20 described in subsection (2) of this section, a psychiatrist
21 recommends a second psychiatry teleconsultation then the student's
22 school district must, subject to receiving consent under subsection
23 (4) of this section, schedule a second psychiatry teleconsultation
24 for the student within thirty days of the recommendation, in
25 accordance with subsection (2) of this section.

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

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

34 (6) Psychiatrists who provide teleconference services in
35 accordance with subsections (2) and (3) of this section may seek
36 reimbursement for the health care services provided from the health
37 plan in which a student is enrolled, including apple health for kids.
38 For students with no health coverage, a psychiatrist may seek
39 reimbursement from the state for any uncompensated health care
40 services provided to the students.

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

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

6 (1) As provided under subsections (2) and (3) of this section,
7 individuals certified by the professional educator standards board as
8 a school nurse, school social worker, school psychologist, or school
9 counselor must complete a training program on identifying and
10 referring students who are at risk for substance abuse, violence, and
11 youth suicide ((screening and referral)), including utilizing
12 teleconsultation, as a condition of certification. The training
13 program must be at least three hours in length. The professional
14 educator standards board must adopt standards for the minimum content
15 of the training in consultation with the office of the superintendent
16 of public instruction and the department of health. In developing the
17 standards, the board must consider training programs listed on the
18 best practices registry of the American foundation for suicide
19 prevention and the suicide prevention resource center.

20 (2) This section applies to the following certificates if the
21 certificate is first issued or is renewed on or after July 1,
22 ((2015)) 2020:

- 23 (a) Continuing certificates for school nurses;
- 24 (b) Continuing certificates for school social workers;
- 25 (c) Continuing and professional certificates for school
26 psychologists; and
- 27 (d) Continuing and professional certificates for school
28 counselors.

29 (3) A school counselor who holds or submits a school counseling
30 certificate from the national board for professional teaching
31 standards or a school psychologist who holds or submits a school
32 psychologist certificate from the national association of school
33 psychologists in lieu of a professional certificate must complete the
34 training program under subsection (1) of this section by July 1,
35 ((2015)) 2020, or within the five-year period before the certificate
36 is first submitted to the professional educator standards board,
37 whichever is later, and at least once every five years thereafter in
38 order to be considered certified by the professional educator
39 standards board.

1 (4) The professional educator standards board shall (~~consider~~
2 ~~the training program under subsection (1) of this section as approved~~
3 ~~continuing education under RCW 28A.415.020 and shall~~) count the
4 training program under subsection (1) of this section toward meeting
5 continuing education requirements for certification as a school
6 nurse, school social worker, school psychologist, or school
7 counselor.

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

10 (1) To receive initial certification as a teacher in this state
11 after August 31, 1991, an applicant shall have successfully completed
12 a course on issues of abuse. The content of the course shall discuss
13 the identification of physical abuse, emotional abuse, sexual abuse,
14 and substance abuse; commercial sexual abuse of a minor, as defined
15 in RCW 9.68A.100; sexual exploitation of a minor, as defined in RCW
16 9.68A.040; information on the impact of abuse on the behavior and
17 learning abilities of students; discussion of the responsibilities of
18 a teacher to report abuse or provide assistance to students who are
19 the victims of abuse; and methods for teaching students about abuse
20 of all types and their prevention.

21 (2) The professional educator standards board shall incorporate
22 into the content required for the course under this section,
23 knowledge and skill standards pertaining to recognition, initial
24 screening, and response to emotional or behavioral distress in
25 students, including but not limited to indicators of possible
26 substance abuse, violence, and youth suicide. The course must also
27 include the training curriculum created under section 2 of this act.
28 To receive initial certification after August 31, ((2014)) 2020, an
29 applicant must have successfully completed a course that includes the
30 content of this subsection. The board shall consult with the office
31 of the superintendent of public instruction and the department of
32 health in developing the standards.

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

35 (1) Beginning in the 2021-22 school year, school districts shall
36 require all certificated and classified employees at each school to
37 receive training based on the curriculum developed under section 2 of
38 this act.

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

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

6 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of
8 the state government and its existing public institutions, and takes
9 effect immediately."

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10 On page 1, line 2 of the title, after "youth;" strike the
11 remainder of the title and insert "amending RCW 28A.410.226;
12 reenacting and amending RCW 28A.410.035; adding new sections to
13 chapter 28B.20 RCW; adding a new section to chapter 28A.210 RCW;
14 adding a new section to chapter 28A.400 RCW; creating new sections;
15 and declaring an emergency."

EFFECT: Changes the dates by which the telehealth training course
must be completed from August 31, 2019, to August 31, 2020.

Changes the school year in which school districts must require
employees to receive training from the 2020-21 school year to the
2021-22 school year.

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