

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5228**

Chapter 113, Laws of 2023

68th Legislature  
2023 Regular Session

BEHAVIORAL HEALTH DISORDERS—OCCUPATIONAL THERAPY SERVICES COVERAGE

EFFECTIVE DATE: July 23, 2023

Passed by the Senate March 7, 2023  
Yeas 48 Nays 0

DENNY HECK

**President of the Senate**

Passed by the House April 7, 2023  
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Approved April 20, 2023 10:09 AM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5228** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

**Secretary**

FILED

April 21, 2023

**Secretary of State  
State of Washington**

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**SENATE BILL 5228**

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Passed Legislature - 2023 Regular Session

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Dhingra, Hunt, Keiser, Lovelett, Lovick, Nguyen, Valdez,  
and C. Wilson

Read first time 01/10/23. Referred to Committee on Health & Long  
Term Care.

1 AN ACT Relating to providing occupational therapy services for  
2 persons with behavioral health disorders; amending RCW 71.24.385; and  
3 creating a new section.

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

5 **Sec. 1.** RCW 71.24.385 and 2022 c 94 s 1 are each amended to read  
6 as follows:

7 (1) Within funds appropriated by the legislature for this  
8 purpose, behavioral health administrative services organizations and  
9 managed care organizations, as applicable, shall develop the means to  
10 serve the needs of people:

11 (a) With mental disorders residing within the boundaries of their  
12 regional service area. Elements of the program may include:

13 (i) Crisis diversion services;

14 (ii) Evaluation and treatment and community hospital beds;

15 (iii) Residential treatment;

16 (iv) Programs for intensive community treatment;

17 (v) Outpatient services, including family support;

18 (vi) Peer support services;

19 (vii) Community support services;

20 (viii) Resource management services;

21 (ix) Occupational therapy;

1        (x) Partial hospitalization and intensive outpatient programs for  
2 persons under 21 years of age; and

3        (~~(x)~~) (xi) Supported housing and supported employment services.

4        (b) With substance use disorders and their families, people  
5 incapacitated by alcohol or other psychoactive chemicals, and  
6 intoxicated people.

7        (i) Elements of the program shall include, but not necessarily be  
8 limited to, a continuum of substance use disorder treatment services  
9 that includes:

10        (A) Withdrawal management;

11        (B) Residential treatment; and

12        (C) Outpatient treatment.

13        (ii) The program may include peer support, supported housing,  
14 supported employment, crisis diversion, recovery support services,  
15 occupational therapy, or technology-based recovery supports.

16        (iii) The authority may contract for the use of an approved  
17 substance use disorder treatment program or other individual or  
18 organization if the director considers this to be an effective and  
19 economical course to follow.

20        (2) (a) The managed care organization and the behavioral health  
21 administrative services organization shall have the flexibility,  
22 within the funds appropriated by the legislature for this purpose and  
23 the terms of their contract, to design the mix of services that will  
24 be most effective within their service area of meeting the needs of  
25 people with behavioral health disorders and avoiding placement of  
26 such individuals at the state mental hospital. Managed care  
27 organizations and behavioral health administrative services  
28 organizations are encouraged to maximize the use of evidence-based  
29 practices and alternative resources with the goal of substantially  
30 reducing and potentially eliminating the use of institutions for  
31 mental diseases.

32        (b) Managed care organizations and behavioral health  
33 administrative services organizations may allow reimbursement to  
34 providers for services delivered through a partial hospitalization or  
35 intensive outpatient program. Such payment and services are distinct  
36 from the state's delivery of wraparound with intensive services under  
37 the *T.R. v. Strange and Birch* settlement agreement.

38        (3) (a) Treatment provided under this chapter must be purchased  
39 primarily through managed care contracts.

1 (b) Consistent with RCW 71.24.580, services and funding provided  
2 through the criminal justice treatment account are intended to be  
3 exempted from managed care contracting.

4 NEW SECTION. **Sec. 2.** By June 30, 2024, the Washington state  
5 health care authority shall expand coverage in the state medicaid  
6 program to ensure that licensed or certified behavioral health  
7 agencies are reimbursed by managed care organizations for the  
8 medically necessary occupational therapy needs of their clients.

Passed by the Senate March 7, 2023.

Passed by the House April 7, 2023.

Approved by the Governor April 20, 2023.

Filed in Office of Secretary of State April 21, 2023.

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