
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #:

ATTY/TYPIST: LC:rmh

BRIEF TITLE:

1 6319.E AME HS AMD12

2 ESB 6319 - H COMM AMD
3 By Committee on Human Services

4 ADOPTED AS AMENDED 3/11/92

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

7 "Sec. 1. RCW 72.23.025 and 1989 c 205 s 21 are each amended to
8 read as follows:

9 (1) It is the intent of the legislature to improve the quality of
10 service at state hospitals, eliminate overcrowding, and more
11 specifically define the role of the state hospitals. The legislature
12 intends that eastern and western state hospitals shall become clinical
13 centers for handling the most complicated long-term care needs of
14 patients with a primary diagnosis of mental disorder. Over the next
15 six years, their involvement in providing short-term ~~((and))~~ acute
16 care, and less complicated long-term care shall be diminished in
17 accordance with the revised responsibilities for mental health care
18 under chapter 71.24 RCW. To this end, the legislature intends that
19 funds appropriated for mental health programs, including funds for
20 regional support networks and the state hospitals be used for persons
21 with primary diagnosis of mental disorder. The legislature finds that
22 establishment of the eastern state hospital board, the western state
23 hospital board, and institutes for the study and treatment of mental
24 disorders at both eastern state hospital and western state hospital
25 will be instrumental in implementing the legislative intent.

26 (2)(a) The eastern state hospital board and the western state
27 hospital board are each established. Members of the boards shall be

1 appointed by the governor with the consent of the senate. Each board
2 shall include:

3 (i) The director of the institute for the study and treatment of
4 mental disorders established at the hospital;

5 (ii) One family member of a current or recent hospital resident;

6 (iii) One consumer of services;

7 (iv) One community mental health service provider;

8 (v) Two citizens with no financial or professional interest in
9 mental health services;

10 (vi) One representative of the regional support network in which
11 the hospital is located;

12 (vii) One representative from the staff who is a physician;

13 (viii) One representative from the nursing staff;

14 (ix) One representative from the other professional staff;

15 (x) One representative from the nonprofessional staff; and

16 (xi) One representative of a minority community.

17 (b) At least one representative listed in (a) (viii), (ix), or (x)
18 of this subsection shall be a union member.

19 (c) Members shall serve four-year terms. Members of the board
20 shall be reimbursed for travel expenses as provided in RCW 43.03.050
21 and 43.03.060 and shall receive compensation as provided in RCW
22 43.03.240.

23 (3) The boards established under this section shall:

24 (a) Monitor the operation and activities of the hospital;

25 (b) Review and advise on the hospital budget;

26 (c) Make recommendations to the governor and the legislature for
27 improving the quality of service provided by the hospital;

28 (d) Monitor and review the activities of the hospital in
29 implementing the intent of the legislature set forth in this section;

1 (e) Report periodically to the governor and the legislature on the
2 implementation of the legislative intent set forth in this section; and

3 (f) Consult with the secretary regarding persons the secretary may
4 select as the superintendent of the hospital whenever a vacancy occurs.

5 (4)(a) There is established at eastern state hospital and western
6 state hospital, institutes for the study and treatment of mental
7 disorders. The institutes shall be operated by joint operating
8 agreements between state colleges and universities and the department
9 of social and health services. The institutes are intended to conduct
10 training, research, and clinical program development activities that
11 will directly benefit mentally ill persons receiving treatment in
12 Washington state by performing the following activities:

13 (i) Promote recruitment and retention of highly qualified
14 professionals at the state hospitals and community mental health
15 programs;

16 (ii) Improve clinical care by exploring new, innovative, and
17 scientifically based treatment models for persons presenting
18 particularly difficult and complicated clinical syndromes;

19 (iii) Provide expanded training opportunities for existing staff at
20 the state hospitals and community mental health programs;

21 (iv) Promote bilateral understanding of treatment orientation,
22 possibilities, and challenges between state hospital professionals and
23 community mental health professionals.

24 (b) To accomplish these purposes the institutes may, within funds
25 appropriated for this purpose:

26 (i) Enter joint operating agreements with state universities or
27 other institutions of higher education to accomplish the placement and
28 training of students and faculty in psychiatry, psychology, social
29 work, occupational therapy, nursing, and other relevant professions at
30 the state hospitals and community mental health programs;

1 (ii) Design and implement clinical research projects to improve the
2 quality and effectiveness of state hospital services and operations;

3 (iii) Enter into agreements with community mental health service
4 providers to accomplish the exchange of professional staff between the
5 state hospitals and community mental health service providers;

6 (iv) Establish a student loan forgiveness and conditional
7 scholarship program to retain qualified professionals at the state
8 hospitals and community mental health providers when the
9 ((~~superintendent~~)) secretary has determined a shortage of such
10 professionals exists.

11 (c) Notwithstanding any other provisions of law to the contrary,
12 the institutes may enter into agreements with the department or the
13 state hospitals which may involve changes in staffing necessary to
14 implement improved patient care programs contemplated by this section.

15 (d) The institutes are authorized to seek and accept public or
16 private gifts, grants, contracts, or donations to accomplish their
17 purposes under this section.

18 (~~((5) The department shall review the diagnoses and treatment~~
19 ~~history of hospital patients and create a plan to locate~~
20 ~~inappropriately placed persons into medicaid reimbursable nursing homes~~
21 ~~or other nonhospital settings. The plan shall be submitted to the~~
22 ~~legislature by June 30, 1990.))"~~

23 "NEW SECTION. Sec. 2. A new section is added to chapter 72.23 RCW
24 to read as follows:

25 The secretary shall develop a system of more integrated service
26 delivery, including incentives to discourage the inappropriate
27 placement of persons with developmental disabilities, head injury, and
28 substance abuse, at state mental hospitals and encourage their care in
29 community settings. By December 1, 1992, the department shall submit

1 an implementation strategy, including budget proposals, to the
2 appropriate committees of the legislature for this system.

3 Under the system, state, local, or community agencies may be given
4 financial or other incentives to develop appropriate crisis
5 intervention and community care arrangements.

6 The secretary may establish specialized care programs for persons
7 described in this section on the grounds of the state hospitals. Such
8 programs may operate according to professional standards that do not
9 conform to existing federal or private hospital accreditation
10 standards."

11 "NEW SECTION. **Sec. 3.** It is the intent of this act to:

12 (1) Focus, restate, and emphasize the legislature's commitment to
13 the mental health reform embodied in chapter 111, Laws of 1989 (SB
14 5400);

15 (2) Eliminate, or schedule for repeal, statutes that are no longer
16 relevant to the regulation of the state's mental health program; and

17 (3) Reaffirm the state's commitment to provide incentives that
18 reduce reliance on inappropriate state hospital or other inpatient
19 care."

20 **"Sec. 4.** RCW 71.24.035 and 1991 c 306 s 3, 1991 c 262 s 1, and
21 1991 c 29 s 1 are 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 may provide for public, client, and licensed
25 service provider participation in developing the state mental health
26 program.

27 (3) The secretary shall provide for participation in developing the
28 state mental health program for children and other underserved

1 populations, by including representatives on any committee established
2 to provide oversight to the state mental health program.

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

6 (5) The secretary shall:

7 (a) ~~((Develop a biennial state mental health program that
8 incorporates county biennial needs assessments and county mental health
9 service plans and state services for mentally ill adults and children.
10 The secretary may also develop a six year state mental health plan;~~

11 ~~(b))~~ Assure that any county community mental health program
12 provides access to treatment for the county's residents in the
13 following order of priority: (i) The acutely mentally ill; (ii)
14 chronically mentally ill adults and severely emotionally disturbed
15 children; and (iii) the seriously disturbed. Such programs shall
16 provide:

17 (A) Outpatient services;

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

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

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

27 (E) Employment services, which may include supported employment,
28 transitional work, placement in competitive employment, and other
29 work-related services, that result in mentally ill persons becoming
30 engaged in meaningful and gainful full or part-time work. Other

1 sources of funding such as the division of vocational rehabilitation
2 may be utilized by the secretary to maximize federal funding and
3 provide for integration of services;

4 (F) Consultation and education services; and

5 (G) Community support services;

6 (~~(e)~~) (b) Develop and promulgate rules establishing state minimum
7 standards for the delivery of mental health services including, but not
8 limited to:

9 (i) Licensed service providers;

10 (ii) Regional support networks; and

11 (iii) Residential and inpatient services, evaluation and treatment
12 services and facilities under chapter 71.05 RCW, resource management
13 services, and community support services;

14 (~~(d)~~) (c) Assure that the special needs of minorities, the
15 elderly, disabled, children, and low-income persons are met within the
16 priorities established in this section;

17 (~~(e)~~) (d) Establish a standard contract or contracts, consistent
18 with state minimum standards, which shall be used by the counties;

19 (~~(f)~~) (e) Establish, to the extent possible, a standardized
20 auditing procedure which minimizes paperwork requirements of county
21 authorities and licensed service providers;

22 (~~(g)~~) (f) Develop and maintain an information system to be used
23 by the state, counties, and regional support networks when they are
24 established which shall include a tracking method which allows the
25 department and regional support networks to identify mental health
26 clients' participation in any mental health service or public program
27 on an immediate basis. The information system shall not include
28 individual patient's case history files. Confidentiality of client
29 information and records shall be maintained as provided in this chapter
30 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and

1 71.05.440. The state-operated system shall be fully operational no
2 later than January 1, 1993(~~(: PROVIDED, HOWEVER, That when a regional~~
3 ~~support network is established, the department shall have an~~
4 ~~operational interim tracking system for that network that will be~~
5 ~~adequate for the regional support network to perform its required~~
6 ~~duties under this chapter)) and a regional support network system shall
7 be fully operational by June 30, 1993;~~

8 ((~~h~~)) (g) License service providers who meet state minimum
9 standards;

10 ((~~i~~)) (h) Certify regional support networks that meet state
11 minimum standards;

12 ((~~j~~)) (i) Periodically inspect certified regional support
13 networks and licensed service providers at reasonable times and in a
14 reasonable manner; and

15 ((~~k~~)) (j) Fix fees to be paid by evaluation and treatment centers
16 to the secretary for the required inspections;

17 ((~~l~~)) (k) Monitor and audit counties, regional support networks,
18 and licensed service providers as needed to assure compliance with
19 contractual agreements authorized by this chapter;

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

25 (n) Beginning July 1, 1989, and continuing through July 1, 1993,))i

26 (m) Track by region and county, diagnosis, and to the extent
27 information is available, eligibility for state funded nonmental health
28 services, the use and cost of state hospital and local evaluation and
29 treatment facilities for seventy-two hour detention, fourteen, ninety,
30 and one hundred eighty day commitments pursuant to chapter 71.05 RCW,

1 voluntary care in state hospitals, and voluntary community inpatient
2 care covered by the medical assistance program. Service use and cost
3 reports shall be provided to regions and appropriate operating
4 divisions of the department in a timely fashion at six-month intervals;
5 and

6 (n) Administer a fund that may be appropriated by the legislature
7 from state hospital and regional support network funds to enhance
8 contracts with regional support networks that agree to provide periods
9 of stable community living according to RCW 71.24.300(5).

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

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

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

28 (9) The superior court may restrain any regional support network or
29 service provider from operating without certification or a license or
30 any other violation of this section. The court may also review,

1 pursuant to procedures contained in chapter 34.05 RCW, any denial,
2 suspension, limitation, restriction, or revocation of certification or
3 license, and grant other relief required to enforce the provisions of
4 this chapter.

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

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

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

24 (13) The standards for certification of evaluation and treatment
25 facilities shall include standards relating to maintenance of good
26 physical and mental health and other services to be afforded persons
27 pursuant to this chapter and chapter 71.05 RCW, and shall otherwise
28 assure the effectuation of the purposes and intent of this chapter and
29 chapter 71.05 RCW.

1 (14)((~~a~~)) The department, in consultation with affected parties,
2 shall establish a distribution formula that reflects county needs
3 assessments based on the number of persons who are acutely mentally
4 ill, chronically mentally ill, severely emotionally disturbed, and
5 seriously disturbed as defined in chapter 71.24 RCW. The formula shall
6 take into consideration the impact on counties of demographic factors
7 in counties which result in concentrations of priority populations as
8 defined in subsection (15) of this section. These factors shall
9 include the population concentrations resulting from commitments under
10 the involuntary treatment act, chapter 71.05 RCW, to state psychiatric
11 hospitals, as well as concentration in urban areas, at border crossings
12 at state boundaries, and other significant demographic and workload
13 factors. Beginning with the contracting period July 1, 1993, the
14 funding formula for participating regional support networks may include
15 a factor related to use of state hospitals.

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

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

1 the secretary shall encourage the development of regional support
2 networks as follows:

3 ~~((By December 1, 1989,))~~ The secretary shall recognize regional
4 support networks requested by counties or groups of counties.

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

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

23 (16) ~~((By January 1, 1992,))~~ The secretary shall provide available
24 resources to regional support networks to operate freestanding
25 evaluation and treatment facilities or for regional support networks to
26 contract with local hospitals to assure access for regional support
27 network patients. Any savings achieved through reduction in the use of
28 state or local hospital bed days, or free standing evaluation and
29 treatment facility bed days, shall be retained by the regional support
30 network, and may not be diverted to other state programs or purposes.

1 (17) The secretary shall:

2 (a) Disburse the first funds for the regional support networks
3 ~~((that are ready to begin implementation by January 1, 1990, or))~~
4 within sixty days of approval of the biennial contract. The department
5 must either approve or reject the biennial contract within sixty days
6 of receipt.

7 (b) Enter into biennial contracts with regional support networks to
8 ~~((begin implementation between January 1, 1990, and March 1, 1990,~~
9 ~~and))~~ complete implementation by June 1995. The contracts shall be
10 consistent with available resources. No contract shall be approved
11 that does not include progress toward meeting the goals of this chapter
12 by taking responsibility for: (i) Short-term commitments; (ii)
13 residential care; ~~((and))~~ (iii) ~~((emergency))~~ crisis response systems;
14 and (iv) the return to the community of long-term state hospital
15 patients who no longer need state hospital level care.

16 (c) By July 1, 1993, allocate one hundred percent of available
17 resources to regional support networks created by January 1, 1990, in
18 a single grant. Regional support networks created by January 1, 1991,
19 shall receive a single block grant by July 1, 1993; regional support
20 networks created by January 1, 1992, shall receive a single block grant
21 by July 1, 1994; and regional support networks created by January 1,
22 1993, shall receive a single block grant by July 1, 1995. The grants
23 shall include funds currently provided for all residential services,
24 all services pursuant to chapter 71.05 RCW, and all community support
25 services and shall be distributed in accordance with a formula
26 submitted to the legislature by January 1, 1993, in accordance with
27 subsection (14) of this section.

28 ~~((By January 1, 1990, allocate available resources to regional~~
29 ~~support networks for community support services, resource management~~
30 ~~services, and residential services excluding evaluation and treatment~~

1 facilities provided pursuant to chapter 71.05 RCW in a single grant
2 using the distribution formula established in subsection (14) of this
3 section.

4 (e) ~~By March 1, 1990, or~~) By August 1, 1992, report to the senate
5 committees on health and long-term care and ways and means and the
6 house committees on human services and appropriations options and
7 recommendations for using allowable medicaid payment systems and other
8 methods to support regionally managed mental health care.

9 (e) Within sixty days of approval of the contract continuing
10 through July 1, 1993, provide grants as specifically appropriated by
11 the legislature to regional support networks for evaluation and
12 treatment facilities for persons detained or committed for periods up
13 to seventeen days according to chapter 71.05 RCW. For regional support
14 networks created by January 1, 1993, provide grants as specifically
15 appropriated by the legislature to regional support networks for
16 evaluation and treatment facilities for persons detained or committed
17 for periods up to seventeen days according to chapter 71.05 RCW through
18 July 1, 1995.

19 (f) Notify regional support networks of their allocation of
20 available resources at least sixty days prior to the start of a new
21 biennial contract period.

22 (g) Deny funding allocations to regional support networks based
23 solely upon formal findings of noncompliance with the terms of the
24 regional support network's contract with the department. Written
25 notice and at least thirty days for corrective action must precede any
26 such action. In such cases, regional support networks shall have full
27 rights to appeal under chapter 34.05 RCW.

28 (h) Identify in its departmental biennial operating and capital
29 budget requests the funds requested by regional support networks to
30 implement their responsibilities under this chapter.

1 (i) Contract to provide or, if requested, make grants to counties
2 to provide technical assistance to county authorities or groups of
3 county authorities to develop regional support networks.

4 (18) The department of social and health services, in cooperation
5 with the state congressional delegation, shall actively seek waivers of
6 federal requirements and such modifications of federal regulations as
7 are necessary to allow (a) federal medicaid reimbursement for services
8 provided by free-standing evaluation and treatment facilities certified
9 under chapter 71.05 RCW and (b) regional support networks to retain
10 savings that accrue from their ability to avoid the use of medicaid or
11 state general fund reimbursed local hospital or state hospital bed
12 days. The department shall ~~((periodically))~~ report its efforts to the
13 health and long-term care ~~((and corrections))~~ committee of the senate
14 and the human services committee of the house of representatives by
15 January 1993.

16 (19) ~~((The secretary shall establish a task force to examine the~~
17 ~~recruitment, training, and compensation of qualified mental health~~
18 ~~professionals in the community, which shall include the advantages and~~
19 ~~disadvantages of establishing a training academy, loan forgiveness~~
20 ~~program, or educational stipends offered in exchange for commitments of~~
21 ~~employment in mental health. The task force shall report back to the~~
22 ~~appropriate committees of the legislature by January 1, 1990))~~ The
23 department shall cooperate with other departments of state government
24 and its political subdivisions in the following manner:

25 (a) By disseminating educational information relating to the
26 prevention, diagnosis, early intervention, and treatment of mental
27 illness.

28 (b) Upon request therefor, by advising public officers,
29 organizations and agencies interested in the mental health of the
30 people of the state.

1 (20) The department and the several state hospitals for the
2 mentally ill shall cooperate with local mental health programs by
3 providing necessary information, recommendations relating to proper
4 after care for patients paroled or discharged from such institutions
5 and shall also supply the services of psychiatrists, psychologists and
6 other persons specialized in mental illness as they are available."

7 **"Sec. 5.** RCW 71.24.045 and 1991 c 363 s 147 and 1991 c 306 s 5 are
8 each reenacted and amended to read as follows:

9 The county authority shall:

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

17 ~~(a) Outpatient services;~~

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

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

25 ~~(d) Screening for patients being considered for admission to state~~
26 ~~mental health facilities to determine appropriateness of admission;~~

27 ~~(e) Employment services, which may include supported employment,~~
28 ~~transitional work, placement in competitive employment, and other~~

1 work-related services, that result in mentally ill persons becoming
2 engaged in meaningful and gainful full or part-time work;

3 (f) Consultation and education services;

4 (g) Residential and inpatient services, if the county chooses to
5 provide such optional services; and

6 (h) Community support services.

7 The county shall develop the biennial needs assessment based on
8 clients to be served, services to be provided, and the cost of those
9 services, and may include input from the public, clients, and licensed
10 service providers. Each county authority may appoint a county mental
11 health advisory board which shall review and provide comments on plans
12 and policies developed by the county authority under this chapter. The
13 composition of the board shall be broadly representative of the
14 demographic character of the county and the mentally ill persons served
15 therein. Length of terms of board members shall be determined by the
16 county authority;

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

22 ((3)) (2) Operate as a licensed service provider if it deems that
23 doing so is more efficient and cost effective than contracting for
24 services. When doing so, the county authority shall comply with rules
25 promulgated by the secretary that shall provide measurements to
26 determine when a county provided service is more efficient and cost
27 effective;

28 ((4)) (3) Monitor and perform biennial fiscal audits of licensed
29 service providers who have contracted with the county to provide
30 services required by this chapter. The monitoring and audits shall be

1 performed by means of a formal process which insures that the licensed
2 service providers and professionals designated in this subsection meet
3 the terms of their contracts, including the minimum standards of
4 service delivery as established by the department;

5 ~~((+5))~~ (4) Assure that the special needs of minorities, the
6 elderly, disabled, children, and low-income persons are met within the
7 priorities established in this chapter;

8 ~~((+6))~~ (5) Maintain patient tracking information in a central
9 location as required for resource management services;

10 ~~((+7))~~ (6) Use not more than two percent of state-appropriated
11 community mental health funds, which shall not include federal funds,
12 to administer community mental health programs under RCW 71.24.155:
13 PROVIDED, That county authorities serving a county or combination of
14 counties whose population is one hundred twenty-five thousand or more
15 may be entitled to sufficient state-appropriated community mental
16 health funds to employ up to one full-time employee or the equivalent
17 thereof in addition to the two percent limit established in this
18 subsection when such employee is providing staff services to a county
19 mental health advisory board;

20 ~~((+8))~~ (7) Coordinate services for individuals who have received
21 services through the community mental health system and who become
22 patients at a state mental hospital."

23 "**Sec. 6.** RCW 71.24.300 and 1991 c 295 s 3, 1991 c 262 s 2, and
24 1991 c 29 s 3 are each reenacted and amended to read as follows:

25 A county authority or a group of county authorities whose combined
26 population is no less than forty thousand may enter into a joint
27 operating agreement to form a regional support network. The roles and
28 responsibilities of county authorities shall be determined by the terms
29 of that agreement and the provisions of law. The state mental health

1 authority may not determine the roles and responsibilities of county
2 authorities as to each other under regional support networks by rule,
3 except to assure that all duties required of regional support networks
4 are assigned and that a single authority has final responsibility for
5 all available resources and performance under the regional support
6 network's contract with the secretary.

7 (1) Regional support networks shall within three months of
8 recognition submit an overall six-year operating and capital plan,
9 timeline, and budget and submit progress reports and an updated
10 two-year plan biennially thereafter, to assume within available
11 resources all of the following duties by July 1, 1995, instead of those
12 presently assigned to counties under RCW 71.24.045(1):

13 (a) Administer and provide for the availability of all resource
14 management services, residential services, and community support
15 services.

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

19 (c) By July 1, 1993, provide within the boundaries of each regional
20 support network evaluation and treatment services for at least
21 eighty-five percent of persons detained or committed for periods up to
22 seventeen days according to chapter 71.05 RCW. Regional support
23 networks with populations of less than one hundred fifty thousand may
24 contract to purchase evaluation and treatment services from other
25 networks. Insofar as the original intent of serving persons in the
26 community is maintained, the secretary is authorized to approve
27 exceptions on a case-by-case basis to the requirement to provide
28 evaluation and treatment services within the boundaries of each
29 regional support network. Such exceptions are limited to contracts
30 with neighboring or contiguous regions. For regional support networks

1 that are created after June 30, 1991, the requirements of (c) of this
2 subsection must be met by July 1, 1995.

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

19 (e) Administer and provide for the availability of all other mental
20 health services, which shall include patient counseling, day treatment,
21 consultation, education services, employment services as defined in RCW
22 71.24.035, and mental health services to children as provided in this
23 chapter.

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

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

29 (3) A regional support network may request that any state-owned
30 land, building, facility, or other capital asset which was ever

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

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

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

23 (6) Counties or groups of counties participating in a regional
24 support network are not subject to RCW 71.24.045(7). The office of
25 financial management shall consider information gathered in studies
26 required in this chapter and information about the experience of other
27 states to propose a mental health services administrative cost lid to
28 the ((1991)) 1993 legislature which shall include administrative costs
29 of licensed service providers, the state psychiatric hospitals and the
30 department.

1 (7) (~~The first regional support network contract may include a~~
2 ~~pilot project to: Establish standards and procedures for (a) making~~
3 ~~referrals for comprehensive medical examinations and treatment programs~~
4 ~~for those whose mental illness is caused or exacerbated by organic~~
5 ~~disease, and (b) training staff in recognizing the relationship between~~
6 ~~mental illness and organic disease.~~

7 (8)) By November 1, 1991, and as part of each biennial plan
8 thereafter, each regional support network shall establish and submit to
9 the state, procedures and agreements to assure access to sufficient
10 additional local evaluation and treatment facilities to meet the
11 requirements of this chapter while reducing short-term admissions to
12 state hospitals. These shall be commitments to construct and operate,
13 or contract for the operation of, freestanding evaluation and treatment
14 facilities or agreements with local evaluation and treatment facilities
15 which shall include (a) required admission and treatment for short-term
16 inpatient care for any person enrolled in community support or
17 residential services, (b) discharge planning procedures, (c)
18 limitations on admissions or transfers to state hospitals, (d) adequate
19 psychiatric supervision, (e) prospective payment methods, and (f)
20 contractual assurances regarding referrals to local evaluation and
21 treatment facilities from regional support networks.

22 ((9)) (8) Regional support networks may receive technical
23 assistance from the housing trust fund and may identify and submit
24 projects for housing and housing support services to the housing trust
25 fund established under chapter 43.185 RCW. Projects identified or
26 submitted under this subsection must be fully integrated with the
27 regional support network six-year operating and capital plan, timeline,
28 and budget required by subsection (1) of this section."

1 "NEW SECTION. Sec. 7. The following acts or parts of acts are
2 each repealed:
3 (1) RCW 72.06.010 and 1970 ex.s. c 18 s 59 & 1959 c 28 s 72.06.010;
4 (2) RCW 72.06.050 and 1977 ex.s. c 80 s 46 & 1959 c 28 s 72.06.050;
5 (3) RCW 72.06.060 and 1979 c 141 s 185, 1977 ex.s. c 80 s 47, &
6 1959 c 28 s 72.06.060; and
7 (4) RCW 72.06.070 and 1959 c 28 s 72.06.070."

8 "NEW SECTION. Sec. 8. Section 5 of this act shall take effect
9 July 1, 1995."

10 "NEW SECTION. Sec. 9. Sections 1 and 2 of this act are
11 necessary for the immediate preservation of the public peace, health,
12 or safety, or support of the state government and its existing public
13 institutions, and shall take effect immediately."

14 ESB 6319 - H COMM AMD
15 By Committee on Human Services

16 ADOPTED AS AMENDED 3/11/92
17 On page 1, line 1 of the title, after "disabilities;" strike the
18 remainder of the title and insert "amending RCW 72.23.025; reenacting
19 and amending RCW 71.24.035, 71.24.045, and 71.24.300; adding a new
20 section to chapter 72.23 RCW; creating a new section; repealing RCW
21 72.06.010, 72.06.050, 72.06.060, and 72.06.070; providing an effective
22 date; and declaring an emergency."