

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5667

Chapter 262, Laws of 1991

52nd Legislature
1991 Regular Session

MENTAL HEALTH--LOCAL EVALUATION AND TREATMENT CENTERS

EFFECTIVE DATE: 5/17/91

Passed by the Senate April 22, 1991
Yeas 46 Nays 0

JOEL PRITCHARD
President of the Senate

Passed by the House April 16, 1991
Yeas 92 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Approved May 17, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5667** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB
Secretary

FILED

May 17, 1991 - 1:17 p.m.

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5667

AS AMENDED BY THE HOUSE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Niemi, West, Vognild, Bailey, Stratton, Saling, McMullen, L. Smith, Skratek and Sutherland).

Read first time March 11, 1991.

1 AN ACT Relating to local evaluation and treatment services;
2 amending RCW 71.24.035 and 71.24.300; creating a new section; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 71.24.035 and 1990 1st ex.s. c 8 s 1 are each amended
6 to read as follows:

7 (1) The department is designated as the state mental health
8 authority.

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

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

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

4 (5) The secretary shall:

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

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

14 (A) Outpatient services;

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

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

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

24 (E) Consultation and education services; and

25 (F) Community support services;

26 (c) Develop and promulgate rules establishing state minimum
27 standards for the delivery of mental health services including, but not
28 limited to:

29 (i) Licensed service providers;

30 (ii) Regional support networks; and

1 (iii) Residential and inpatient services, evaluation and treatment
2 services and facilities under chapter 71.05 RCW, resource management
3 services, and community support services;

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

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

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

12 (g) Develop and maintain an information system to be used by the
13 state, counties, and regional support networks when they are
14 established which shall include a tracking method which allows the
15 department and regional support networks to identify mental health
16 clients' participation in any mental health service or public program
17 on an immediate basis. The information system shall not include
18 individual patient's case history files. Confidentiality of client
19 information and records shall be maintained as provided in this chapter
20 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and
21 71.05.440. The system shall be fully operational no later than January
22 1, 1993: PROVIDED, HOWEVER, That when a regional support network is
23 established, the department shall have an operational interim tracking
24 system for that network that will be adequate for the regional support
25 network to perform its required duties under this chapter;

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

27 (i) Certify regional support networks that meet state minimum
28 standards;

1 (j) Periodically inspect certified regional support networks and
2 licensed service providers at reasonable times and in a reasonable
3 manner; and

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

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

9 (m) Prior to September 1, 1989, adopt such rules as are necessary
10 to implement the department's responsibilities under this chapter
11 pursuant to chapter 34.05 RCW: PROVIDED, That such rules shall be
12 submitted to the appropriate committees of the legislature for review
13 and comment prior to adoption; and

14 (n) Beginning July 1, 1989, and continuing through July 1, 1993,
15 track by region and county the use and cost of state hospital and local
16 evaluation and treatment facilities for seventy-two hour detention,
17 fourteen, ninety, and one hundred eighty day commitments pursuant to
18 chapter 71.05 RCW, voluntary care in state hospitals, and voluntary
19 community inpatient care covered by the medical assistance program.
20 Service use and cost reports shall be provided to regions in a timely
21 fashion at six-month intervals.

22 (6) The secretary shall use available resources appropriated
23 specifically for community mental health programs only for programs
24 under RCW 71.24.045. After July 1, 1995, or when regional support
25 networks are established, available resources may be used only for
26 regional support networks.

27 (7) Each certified regional support network and licensed service
28 provider shall file with the secretary, on request, such data,
29 statistics, schedules, and information as the secretary reasonably
30 requires. A certified regional support network or licensed service

1 provider which, without good cause, fails to furnish any data,
2 statistics, schedules, or information as requested, or files fraudulent
3 reports thereof, may have its certification or license revoked or
4 suspended.

5 (8) The secretary may suspend, revoke, limit, or restrict a
6 certification or license, or refuse to grant a certification or license
7 for failure to conform to the law, applicable rules and regulations, or
8 applicable standards, or failure to meet the minimum standards
9 established pursuant to this section.

10 (9) The superior court may restrain any regional support network or
11 service provider from operating without certification or a license or
12 any other violation of this section. The court may also review,
13 pursuant to procedures contained in chapter 34.05 RCW, any denial,
14 suspension, limitation, restriction, or revocation of certification or
15 license, and grant other relief required to enforce the provisions of
16 this chapter.

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

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

28 (12) Notwithstanding the existence or pursuit of any other remedy,
29 the secretary may, in the manner provided by law, upon the advice of
30 the attorney general who shall represent the secretary in the

1 proceedings, maintain an action in the name of the state for an
2 injunction or other process against any person or governmental unit to
3 restrain or prevent the establishment, conduct, or operation of a
4 regional support network or service provider without certification or
5 a license under this chapter.

6 (13) The standards for certification of evaluation and treatment
7 facilities shall include standards relating to maintenance of good
8 physical and mental health and other services to be afforded persons
9 pursuant to this chapter and chapter 71.05 RCW, and shall otherwise
10 assure the effectuation of the purposes and intent of this chapter and
11 chapter 71.05 RCW.

12 (14)(a) The department, in consultation with affected parties,
13 shall establish a distribution formula that reflects county needs
14 assessments based on the number of persons who are acutely mentally
15 ill, chronically mentally ill, and seriously disturbed as defined in
16 chapter 71.24 RCW. The formula shall take into consideration the
17 impact on counties of demographic factors in counties which result in
18 concentrations of priority populations as defined in subsection (15) of
19 this section. These factors shall include the population
20 concentrations resulting from commitments under the involuntary
21 treatment act, chapter 71.05 RCW, to state psychiatric hospitals, as
22 well as concentration in urban areas, at border crossings at state
23 boundaries, and other significant demographic and workload factors.

24 (b) The department shall submit a proposed distribution formula in
25 accordance with this section to the ways and means and health care and
26 corrections committees of the senate and to the ways and means and
27 human services committees of the house of representatives by October 1,
28 1989. The formula shall also include a projection of the funding
29 allocations that will result for each county, which specifies

1 allocations according to priority populations, including the allocation
2 for services to children and other underserved populations.

3 (15) To supersede duties assigned under subsection (5) (a) and (b)
4 of this section, and to assure a county-based, integrated system of
5 care for acutely mentally ill adults and children, chronically mentally
6 ill adults and children, and seriously disturbed adults and children
7 who are determined by regional support networks at their sole
8 discretion to be at risk of becoming acutely or chronically mentally
9 ill, the secretary shall encourage the development of regional support
10 networks as follows:

11 By December 1, 1989, the secretary shall recognize regional support
12 networks requested by counties or groups of counties.

13 All counties wishing to be recognized as a regional support network
14 on December 1, 1989, shall submit their intentions regarding
15 participation in the regional support networks by October 30, 1989,
16 along with preliminary plans. Counties wishing to be recognized as a
17 regional support network by January 1 of any year thereafter shall
18 submit their intentions by October 30 of the previous year along with
19 preliminary plans. The secretary shall assume all duties assigned to
20 the nonparticipating counties under chapters 71.05 and 71.24 RCW on
21 July 1, 1995. Such responsibilities shall include those which would
22 have been assigned to the nonparticipating counties under regional
23 support networks.

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

1 (16) By January 1, 1992, the secretary shall provide available
2 resources to regional support networks to operate freestanding
3 evaluation and treatment facilities or for regional support networks to
4 contract with local hospitals to assure access for regional support
5 network patients.

6 (17) The secretary shall:

7 (a) Disburse the first funds for the regional support networks that
8 are ready to begin implementation by January 1, 1990, or within sixty
9 days of approval of the biennial contract. The department must either
10 approve or reject the biennial contract within sixty days of receipt.

11 (b) Enter into biennial contracts with regional support networks to
12 begin implementation between January 1, 1990, and March 1, 1990, and
13 complete implementation by June 1995. The contracts shall be
14 consistent with available resources. No contract shall be approved
15 that does not include progress toward meeting the goals of this chapter
16 by taking responsibility for: (i) Short-term commitments; (ii)
17 residential care; and (iii) emergency response systems.

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

1 (d) By January 1, 1990, allocate available resources to regional
2 support networks for community support services, resource management
3 services, and residential services excluding evaluation and treatment
4 facilities provided pursuant to chapter 71.05 RCW in a single grant
5 using the distribution formula established in subsection (14) of this
6 section.

7 (e) By March 1, 1990, or within sixty days of approval of the
8 contract continuing through July 1, 1993, provide grants as
9 specifically appropriated by the legislature to regional support
10 networks for evaluation and treatment facilities for persons detained
11 or committed for periods up to seventeen days according to chapter
12 71.05 RCW. For regional support networks created by January 1, 1993,
13 provide grants as specifically appropriated by the legislature to
14 regional support networks for evaluation and treatment facilities for
15 persons detained or committed for periods up to seventeen days
16 according to chapter 71.05 RCW through July 1, 1995.

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

20 (g) Study and report to the legislature by December 1, 1989, on
21 expanding the use of federal Title XIX funds and the definition of
22 institutions for mental diseases to provide services to persons who are
23 acutely mentally ill, chronically mentally ill, or at risk of becoming
24 so. The study shall also include an assessment of the impact of Title
25 XIX funds and the definition of institutions for mental diseases on the
26 use of state funds to provide needed mental health services to the
27 chronically mentally ill.

28 (h) Deny funding allocations to regional support networks based
29 solely upon formal findings of noncompliance with the terms of the
30 regional support network's contract with the department. Written

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

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

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

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

19 (~~(18)~~) (19) The secretary shall establish a task force to examine
20 the recruitment, training, and compensation of qualified mental health
21 professionals in the community, which shall include the advantages and
22 disadvantages of establishing a training academy, loan forgiveness
23 program, or educational stipends offered in exchange for commitments of
24 employment in mental health. The task force shall report back to the
25 appropriate committees of the legislature by January 1, 1990.

26 **Sec. 2.** RCW 71.24.300 and 1989 c 205 s 5 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

1 operating agreement to form a regional support network. The roles and
2 responsibilities of county authorities shall be determined by the terms
3 of that agreement and the provisions of law. The state mental health
4 authority may not determine the roles and responsibilities of county
5 authorities as to each other under regional support networks by rule,
6 except to assure that all duties required of regional support networks
7 are assigned and that a single authority has final responsibility for
8 all available resources and performance under the regional support
9 network's contract with the secretary.

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

16 (a) Administer and provide for the availability of all resource
17 management services, residential services, and community support
18 services.

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

22 (c) By July 1, 1993, provide within the boundaries of each regional
23 support network evaluation and treatment services for at least eighty-
24 five percent of persons detained or committed for periods up to
25 seventeen days according to chapter 71.05 RCW. Regional support
26 networks with populations of less than one hundred fifty thousand may
27 contract to purchase evaluation and treatment services from other
28 networks. For regional support networks that are created after June
29 30, 1991, the requirements of (c) of this subsection must be met by
30 July 1, 1995.

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

17 (e) Administer and provide for the availability of all other mental
18 health services, which shall include patient counseling, day treatment,
19 consultation, education services, and mental health services to
20 children as provided in this chapter.

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

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

26 (3) A regional support network may request that any state-owned
27 land, building, facility, or other capital asset which was ever
28 purchased, deeded, given, or placed in trust for the care of the
29 mentally ill and which is within the boundaries of a regional support
30 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. The composition of the board
6 shall be broadly representative of the demographic character of the
7 region and the mentally ill persons served therein. Length of terms of
8 board members shall be determined by the regional support network.

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

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

28 (7) The first regional support network contract may include a pilot
29 project to: Establish standards and procedures for (a) making
30 referrals for comprehensive medical examinations and treatment programs

1 for those whose mental illness is caused or exacerbated by organic
2 disease, and (b) training staff in recognizing the relationship between
3 mental illness and organic disease.

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

19 NEW SECTION. Sec. 3. If specific funding for the purposes of
20 this act, referencing this act by bill number, is not provided by June
21 30, 1991, in the omnibus appropriations act, this act shall be null and
22 void.

23 NEW SECTION. Sec. 4. This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and shall take
26 effect immediately.

Passed the Senate April 22, 1991.
Passed the House April 16, 1991.
Approved by the Governor May 17, 1991.
Filed in Office of Secretary of State May 17, 1991.