

2 ESHB 1897 - S COMM AMD

3 By Committee on Health & Human Services

4

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

7 "Sec. 1. RCW 71.24.015 and 1991 c 306 s 1 are each amended to read  
8 as follows:

9 It is the intent of the legislature to establish a community mental  
10 health program which shall help people experiencing mental illness to  
11 retain a respected and productive position in the community. This will  
12 be accomplished through programs which provide for:

13 (1) Access to mental health services for adults of the state who  
14 are acutely mentally ill, chronically mentally ill, or seriously  
15 disturbed and children of the state who are acutely mentally ill,  
16 severely emotionally disturbed, or seriously disturbed, which services  
17 recognize the special needs of underserved populations, including  
18 minorities, children, the elderly, disabled, and low-income persons.  
19 It is also the purpose of this chapter to promote the early  
20 identification of mentally ill children and to ensure that they receive  
21 the mental health care and treatment which is appropriate to their  
22 developmental level. This care should improve home, school, and  
23 community functioning, maintain children in a safe and nurturing home  
24 environment, and should enable treatment decisions to be made in  
25 response to clinical needs in accordance with sound professional  
26 judgment while also recognizing parents' rights to participate in  
27 treatment decisions for their children;

28 (2) Accountability of services through state-wide standards for  
29 monitoring and reporting of information;

30 (3) Minimum service delivery standards;

31 (4) Priorities for the use of available resources for the care of  
32 the mentally ill;

33 (5) Coordination of services within the department, including those  
34 divisions within the department that provide services to children,  
35 between the department and the office of the superintendent of public  
36 instruction, and among state mental hospitals, county authorities,

1 community mental health services, and other support services, which  
2 shall to the maximum extent feasible also include the families of the  
3 mentally ill, and other service providers; and

4 (6) Coordination of services aimed at reducing duplication in  
5 service delivery and promoting complementary services among all  
6 entities that provide mental health services to adults and children.

7 It is the policy of the state to encourage the provision of a full  
8 range of treatment and rehabilitation services in the state for mental  
9 disorders. The legislature intends to encourage the development of  
10 county-based and county-managed mental health services with adequate  
11 local flexibility to assure eligible people in need of care access to  
12 the least-restrictive treatment alternative appropriate to their needs,  
13 and the availability of treatment components to assure continuity of  
14 care. To this end, counties are encouraged to enter into joint  
15 operating agreements with other counties and tribal authorities where  
16 present to form regional systems of care which integrate planning,  
17 administration, and service delivery duties assigned to counties under  
18 chapters 71.05 and 71.24 RCW to consolidate administration, reduce  
19 administrative layering, and reduce administrative costs.

20 It is further the intent of the legislature to integrate the  
21 provision of services to provide continuity of care through all phases  
22 of treatment. To this end the legislature intends to promote active  
23 engagement with mentally ill persons and collaboration between families  
24 and service providers.

25 **Sec. 2.** RCW 71.24.025 and 1991 c 306 s 2 are each amended to read  
26 as follows:

27 Unless the context clearly requires otherwise, the definitions in  
28 this section apply throughout this chapter.

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

31 (a) A mental disorder as defined in RCW 71.05.020(2) or, in the  
32 case of a child, as defined in RCW 71.34.020(12);

33 (b) Being gravely disabled as defined in RCW 71.05.020(1) or, in  
34 the case of a child, as defined in RCW 71.34.020(8); or

35 (c) Presenting a likelihood of serious harm as defined in RCW  
36 71.05.020(3) or, in the case of a child, as defined in RCW  
37 71.34.020(11).

1 (2) "Available resources" means those funds which shall be  
2 appropriated under this chapter by the legislature during any biennium  
3 for the purpose of providing community mental health programs under RCW  
4 71.24.045. When regional support networks are established or after  
5 July 1, 1995, "available resources" means federal funds, except those  
6 provided according to Title XIX of the social security act, and state  
7 funds appropriated under this chapter or chapter 71.05 RCW by the  
8 legislature during any biennium for the purpose of providing  
9 residential services, resource management services, community support  
10 services, and other mental health services. This does not include  
11 funds appropriated for the purpose of operating and administering the  
12 state psychiatric hospitals, except as negotiated according to RCW  
13 71.24.300(1)(d).

14 (3) "Licensed service provider" means an entity licensed according  
15 to this chapter or chapter 71.05 RCW that meets state minimum standards  
16 or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.88  
17 RCW.

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

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

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

23 (b) Has experienced a continuous psychiatric hospitalization or  
24 residential treatment exceeding six months' duration within the  
25 preceding year; or

26 (c) Has been unable to engage in any substantial gainful activity  
27 by reason of any mental disorder which has lasted for a continuous  
28 period of not less than twelve months. "Substantial gainful activity"  
29 shall be defined by the department by rule consistent with Public Law  
30 92-603, as amended.

31 (6) "Severely emotionally disturbed child" means an infant or child  
32 who has been determined by the regional support network to be  
33 experiencing a mental disorder as defined in chapter 71.34 RCW,  
34 including those mental disorders that result in a behavioral or conduct  
35 disorder, that is clearly interfering with the child's functioning in  
36 family or school or with peers and who meets at least one of the  
37 following criteria:

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

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

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

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

7 (i) Chronic family dysfunction involving a mentally ill or  
8 inadequate caretaker;

9 (ii) Changes in custodial adult;

10 (iii) Going to, residing in, or returning from any placement  
11 outside of the home, for example, psychiatric hospital, short-term  
12 inpatient, residential treatment, group or foster home, or a  
13 correctional facility;

14 (iv) Subject to repeated physical abuse or neglect;

15 (v) Drug or alcohol abuse; or

16 (vi) Homelessness.

17 (7) "Community mental health program" means all mental health  
18 services established by a county authority. After July 1, 1995, or  
19 when the regional support networks are established, "community mental  
20 health program" means all activities or programs using available  
21 resources.

22 (8) "Community support services" means services for acutely  
23 mentally ill persons, chronically mentally ill adults, and severely  
24 emotionally disturbed children and includes: (a) Discharge planning  
25 for clients leaving state mental hospitals, other acute care inpatient  
26 facilities, inpatient psychiatric facilities for persons under twenty-  
27 one years of age, and other children's mental health residential  
28 treatment facilities; (b) sufficient contacts with clients, families,  
29 schools, or significant others to provide for an effective program of  
30 community maintenance; and (c) medication monitoring. After July 1,  
31 1995, or when regional support networks are established, for adults and  
32 children "community support services" means services authorized,  
33 planned, and coordinated through resource management services  
34 including, at least, assessment, diagnosis, emergency crisis  
35 intervention available twenty-four hours, seven days a week,  
36 prescreening determinations for mentally ill persons being considered  
37 for placement in nursing homes as required by federal law, screening  
38 for patients being considered for admission to residential services,  
39 diagnosis and treatment for acutely mentally ill and severely

1 emotionally disturbed children discovered under screening through the  
2 federal Title XIX early and periodic screening, diagnosis, and  
3 treatment program, investigation, legal, and other nonresidential  
4 services under chapter 71.05 RCW, case management services, psychiatric  
5 treatment including medication supervision, counseling, psychotherapy,  
6 assuring transfer of relevant patient information between service  
7 providers, other services determined by regional support networks, and  
8 maintenance of a patient tracking system for chronically mentally ill  
9 adults and severely emotionally disturbed children.

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

15 (10) "Department" means the department of social and health  
16 services.

17 (11) "Mental health services" means community services pursuant to  
18 RCW 71.24.035(5)(b) and other services provided by the state for the  
19 mentally ill. When regional support networks are established, or after  
20 July 1, 1995, "mental health services" shall include all services  
21 provided by regional support networks.

22 (12) "Mentally ill persons" and "the mentally ill" mean persons and  
23 conditions defined in subsections (1), (5), (6), and (16) of this  
24 section.

25 (13) "Regional support network" means a county authority or group  
26 of county authorities recognized by the secretary that enter into joint  
27 operating agreements to contract with the secretary pursuant to this  
28 chapter.

29 (14) "Residential services" means a facility or distinct part  
30 thereof which provides food and shelter, and may include treatment  
31 services.

32 When regional support networks are established, or after July 1,  
33 1995, for adults and children "residential services" means a complete  
34 range of residences and supports authorized by resource management  
35 services and which may involve a facility, a distinct part thereof, or  
36 services which support community living, for acutely mentally ill  
37 persons, chronically mentally ill adults, severely emotionally  
38 disturbed children, or seriously disturbed adults determined by the  
39 regional support network to be at risk of becoming acutely or

1 chronically mentally ill. The services shall include at least  
2 evaluation and treatment services as defined in chapter 71.05 RCW,  
3 acute crisis respite care, long-term adaptive and rehabilitative care,  
4 and supervised and supported living services, and shall also include  
5 any residential services developed to service mentally ill persons in  
6 nursing homes. Residential services for children in out-of-home  
7 placements related to their mental disorder shall not include the costs  
8 of food and shelter, except for children's long-term residential  
9 facilities existing prior to January 1, 1991.

10 (15) "Resource management services" mean the planning,  
11 coordination, and authorization of residential services and community  
12 support services administered pursuant to an individual service plan  
13 for acutely mentally ill adults and children, chronically mentally ill  
14 adults, severely emotionally disturbed children, or seriously disturbed  
15 adults determined by the regional support network at their sole  
16 discretion to be at risk of becoming acutely or chronically mentally  
17 ill. Such planning, coordination, and authorization shall include  
18 mental health screening for children eligible under the federal Title  
19 XIX early and periodic screening, diagnosis, and treatment program.  
20 Resource management services include seven day a week, twenty-four hour  
21 a day availability of information regarding mentally ill adults' and  
22 children's enrollment in services and their individual service plan to  
23 county-designated mental health professionals, evaluation and treatment  
24 facilities, and others as determined by the regional support network.

25 (16) "Seriously disturbed person" means a person who:

26 (a) Is gravely disabled or presents a likelihood of serious harm to  
27 oneself or others as a result of a mental disorder as defined in  
28 chapter 71.05 RCW;

29 (b) Has been on conditional release status at some time during the  
30 preceding two years from an evaluation and treatment facility or a  
31 state mental health hospital;

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

34 (d) Exhibits suicidal preoccupation or attempts; or

35 (e) Is a child diagnosed by a mental health professional, as  
36 defined in RCW 71.05.020, as experiencing a mental disorder which is  
37 clearly interfering with the child's functioning in family or school or  
38 with peers or is clearly interfering with the child's personality  
39 development and learning.

1 (17) "Secretary" means the secretary of social and health services.

2 (18) "State minimum standards" means: (a) Minimum requirements for  
3 delivery of mental health services as established by departmental rules  
4 and necessary to implement this chapter, including but not limited to  
5 licensing service providers and services; (b) minimum service  
6 requirements for licensed service providers for the provision of mental  
7 health services as established by departmental rules pursuant to  
8 chapter 34.05 RCW as necessary to implement this chapter, including,  
9 but not limited to: Qualifications for staff providing services  
10 directly to mentally ill persons; the intended result of each service;  
11 and the rights and responsibilities of persons receiving mental health  
12 services pursuant to this chapter; (c) minimum requirements for  
13 residential services as established by the department in rule based on  
14 clients' functional abilities and not solely on their diagnoses,  
15 limited to health and safety, staff qualifications, and program  
16 outcomes. Minimum requirements for residential services are those  
17 developed in collaboration with consumers, families, counties,  
18 regulators, and residential providers serving the mentally ill.  
19 Minimum requirements encourage the development of broad-range  
20 residential programs, including integrated housing and cross-systems  
21 programs where appropriate, and do not unnecessarily restrict  
22 programming flexibility; and (d) minimum standards for community  
23 support services and resource management services, including at least  
24 qualifications for resource management services, client tracking  
25 systems, and the transfer of patient information between service  
26 providers.

27 (19) "Tribal authority," for the purposes of this section and RCW  
28 71.24.300 only, includes: The federally recognized Indian tribes and  
29 the major Indian organizations recognized by the secretary insofar as  
30 these organizations do not have a financial relationship with any  
31 regional support network that would present a conflict of interest.

32 **Sec. 3.** RCW 71.24.035 and 1991 c 306 s 3, 1991 c 262 s 1, and 1991  
33 c 29 s 1 are each reenacted and amended to read as follows:

34 (1) The department is designated as the state mental health  
35 authority.

36 (2) The secretary (~~may~~) shall provide for public, regional  
37 support network, client, and licensed service provider participation in  
38 developing the state mental health program. The program shall promote

1 a partnership between all individuals and organizations, and all levels  
2 of government, involved in mental health care and treatment.

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

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

10 (5) The secretary shall:

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

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

20 (A) Outpatient services;

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

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

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

30 (E) Employment services, which may include supported employment,  
31 transitional work, placement in competitive employment, and other work-  
32 related services, that result in mentally ill persons becoming engaged  
33 in meaningful and gainful full or part-time work. Other sources of  
34 funding such as the division of vocational rehabilitation may be  
35 utilized by the secretary to maximize federal funding and provide for  
36 integration of services;

37 (F) Consultation and education services; and

38 (G) Community support services;

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

4 (i) Licensed service providers;  
5 (ii) Regional support networks; and  
6 (iii) Residential and inpatient services, evaluation and treatment  
7 services and facilities under chapter 71.05 RCW, resource management  
8 services, and community support services;

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

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

14 (f) Establish and implement, to the extent possible, a single  
15 standardized auditing procedure for regional support networks and  
16 providers which minimizes paperwork requirements of county authorities  
17 and licensed service providers;

18 (g) Develop and maintain an information system to be used by the  
19 state, counties, and regional support networks when they are  
20 established which shall include a tracking method which allows the  
21 department and regional support networks to identify mental health  
22 clients' participation in any mental health service or public program  
23 on an immediate basis. The information system shall not include  
24 individual patient's case history files. Confidentiality of client  
25 information and records shall be maintained as provided in this chapter  
26 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and  
27 71.05.440. The system shall be fully operational no later than January  
28 1, 1993: PROVIDED, HOWEVER, That when a regional support network is  
29 established, the department shall have an operational interim tracking  
30 system for that network that will be adequate for the regional support  
31 network to perform its required duties under this chapter;

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

33 (i) Certify regional support networks that meet state minimum  
34 standards;

35 (j) Periodically inspect certified regional support networks and  
36 licensed service providers at reasonable times and in a reasonable  
37 manner; and

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

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

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

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

17 (6) The secretary shall use available resources appropriated  
18 specifically for community mental health programs only for programs  
19 under RCW 71.24.045. After July 1, 1995, or when regional support  
20 networks are established, available resources may be used only for  
21 regional support networks.

22 (7) Each certified regional support network and licensed service  
23 provider shall file with the secretary, on request, such data,  
24 statistics, schedules, and information as the secretary reasonably  
25 requires. A certified regional support network or licensed service  
26 provider which, without good cause, fails to furnish any data,  
27 statistics, schedules, or information as requested, or files fraudulent  
28 reports thereof, may have its certification or license revoked or  
29 suspended.

30 (8) The secretary may suspend, revoke, limit, or restrict a  
31 certification or license, or refuse to grant a certification or license  
32 for failure to conform to the law, applicable rules and regulations, or  
33 applicable standards, or failure to meet the minimum standards  
34 established pursuant to this section.

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,  
39 suspension, limitation, restriction, or revocation of certification or

1 license, and grant other relief required to enforce the provisions of  
2 this chapter.

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

9 (11) The secretary shall adopt such rules as may be necessary to  
10 effectuate the intent and purposes of this chapter, which shall include  
11 but not be limited to certification and licensing and other action  
12 relevant to certifying regional support networks and licensing service  
13 providers. Such rules shall be relevant to childrens' services as well  
14 as adult services; eliminate duplicative responsibilities and  
15 procedures at the state, regional support network, county, and provider  
16 levels; streamline administrative requirements to focus on outcomes  
17 rather than process; and create the flexibility intended by this  
18 chapter. Existing rules will be revised under these criteria by  
19 January 1, 1994.

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

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

34 (14)(a) The department, in consultation with affected parties,  
35 shall establish a distribution formula that reflects county needs  
36 assessments based on the number of persons who are acutely mentally  
37 ill, chronically mentally ill, severely emotionally disturbed, and  
38 seriously disturbed as defined in chapter 71.24 RCW. The formula shall  
39 take into consideration the impact on counties of demographic factors

1 in counties which result in concentrations of priority populations as  
2 defined in subsection (15) of this section. These factors shall  
3 include the population concentrations resulting from commitments under  
4 the involuntary treatment act, chapter 71.05 RCW, to state psychiatric  
5 hospitals, as well as concentration in urban areas, at border crossings  
6 at state boundaries, and other significant demographic and workload  
7 factors.

8 (b) The department shall submit a proposed distribution formula in  
9 accordance with this section to the ways and means and health and long-  
10 term care committees of the senate and to the ways and means and human  
11 services committees of the house of representatives by October 1, 1991.  
12 The formula shall also include a projection of the funding allocations  
13 that will result for each county, which specifies allocations according  
14 to priority populations, including the allocation for services to  
15 children and other underserved populations.

16 (15) To supersede duties assigned under subsection (5) (a) and (b)  
17 of this section, and to assure a county-based, integrated system of  
18 care for acutely mentally ill adults and children, chronically mentally  
19 ill adults, severely emotionally disturbed children, and seriously  
20 disturbed adults and children who are determined by regional support  
21 networks at their sole discretion to be at risk of becoming acutely or  
22 chronically mentally ill, or severely emotionally disturbed, the  
23 secretary shall encourage the development of regional support networks  
24 as follows:

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

27 All counties wishing to be recognized as a regional support network  
28 on December 1, 1989, shall submit their intentions regarding  
29 participation in the regional support networks by October 30, 1989,  
30 along with preliminary plans. Counties wishing to be recognized as a  
31 regional support network by January 1 of any year thereafter shall  
32 submit their intentions by October 30 of the previous year along with  
33 preliminary plans. The secretary shall assume all duties assigned to  
34 the nonparticipating counties under chapters 71.05 and 71.24 RCW on  
35 July 1, 1995. Such responsibilities shall include those which would  
36 have been assigned to the nonparticipating counties under regional  
37 support networks.

38 The implementation of regional support networks, or the secretary's  
39 assumption of all responsibilities under chapters 71.05 and 71.24 RCW,

1 shall be included in all state and federal plans affecting the state  
2 mental health program including at least those required by this  
3 chapter, the medicaid program, and P.L. 99-660. Nothing in these plans  
4 shall be inconsistent with the intent and requirements of this chapter.

5 (16) By January 1, 1992, the secretary shall provide available  
6 resources to regional support networks to operate freestanding  
7 evaluation and treatment facilities or for regional support networks to  
8 contract with local hospitals to assure access for regional support  
9 network patients. Any savings achieved through reduction in the use of  
10 voluntary and involuntary care in state and local hospitals shall be  
11 retained by the regional support network, and may not be diverted to  
12 other state programs or purposes. These savings shall be calculated  
13 using data, methodology, and assumptions at the sole discretion of the  
14 secretary, in consultation with regional support networks.

15 (17) The secretary shall:

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

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

27 (c) By July 1, 1993, allocate one hundred percent of available  
28 resources to regional support networks created by January 1, 1990, in  
29 a single grant. Regional support networks created by January 1, 1991,  
30 shall receive a single block grant by July 1, 1993; regional support  
31 networks created by January 1, 1992, shall receive a single block grant  
32 by July 1, 1994; and regional support networks created by January 1,  
33 1993, shall receive a single block grant by July 1, 1995. The grants  
34 shall include funds currently provided for all residential services,  
35 all services pursuant to chapter 71.05 RCW, and all community support  
36 services and shall be distributed in accordance with a formula  
37 submitted to the legislature by January 1, 1993, in accordance with  
38 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) Deny funding allocations to regional support networks based  
21 solely upon formal findings of noncompliance with the terms of the  
22 regional support network's contract with the department. Written  
23 notice and at least thirty days for corrective action must precede any  
24 such action. In such cases, regional support networks shall have full  
25 rights to appeal under chapter 34.05 RCW.

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

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

32 (j) By July 1, 1993, make a portion of state hospital funds  
33 appropriated by the legislature available for agreements negotiated  
34 under RCW 71.24.300(1)(d).

35 (18) The department of social and health services, in cooperation  
36 with the state congressional delegation, shall actively seek waivers of  
37 federal requirements and such modifications of federal regulations as  
38 are necessary to allow federal medicaid reimbursement for services  
39 provided by free-standing evaluation and treatment facilities certified

1 under chapter 71.05 RCW. The department shall periodically report its  
2 efforts to the health care and corrections committee of the senate and  
3 the human services committee of the house of representatives.

4 (19) The secretary shall establish a task force to examine the  
5 recruitment, training, and compensation of qualified mental health  
6 professionals in the community, which shall include the advantages and  
7 disadvantages of establishing a training academy, loan forgiveness  
8 program, or educational stipends offered in exchange for commitments of  
9 employment in mental health. The task force shall report back to the  
10 appropriate committees of the legislature by January 1, 1990.

11 **Sec. 4.** RCW 71.24.300 and 1992 c 230 s 6 are each amended to read  
12 as follows:

13 A county authority or a group of county authorities whose combined  
14 population is no less than forty thousand may enter into a joint  
15 operating agreement to form a regional support network. Upon the  
16 request of a tribal authority or authorities within a regional support  
17 network the joint operating agreement or the county authority shall  
18 allow for the inclusion of the tribal authority to be represented as a  
19 party to the regional support network. The roles and responsibilities  
20 of the county and tribal authorities shall be determined by the terms  
21 of that agreement including a determination of membership on the  
22 governing board and advisory committees, the number of tribal  
23 representatives to be party to the agreement, and the provisions of law  
24 and shall assure the provision of culturally competent services to the  
25 tribes served. The state mental health authority may not determine the  
26 roles and responsibilities of county authorities as to each other under  
27 regional support networks by rule, except to assure that all duties  
28 required of regional support networks are assigned and that a single  
29 authority has final responsibility for all available resources and  
30 performance under the regional support network's contract with the  
31 secretary.

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

1 (a) Administer and provide for the availability of all resource  
2 management services, residential services, and community support  
3 services.

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

7 (c) By July 1, 1993, provide within the boundaries of each regional  
8 support network evaluation and treatment services for at least  
9 eighty-five percent of persons detained or committed for periods up to  
10 seventeen days according to chapter 71.05 RCW. Regional support  
11 networks with populations of less than one hundred fifty thousand may  
12 contract to purchase evaluation and treatment services from other  
13 networks. Insofar as the original intent of serving persons in the  
14 community is maintained, the secretary is authorized to approve  
15 exceptions on a case-by-case basis to the requirement to provide  
16 evaluation and treatment services within the boundaries of each  
17 regional support network. Such exceptions are limited to contracts  
18 with neighboring or contiguous regions. For regional support networks  
19 that are created after June 30, 1991, the requirements of (c) of this  
20 subsection must be met by July 1, 1995.

21 (d) By July 1, 1993, or as soon thereafter as an agreement can be  
22 negotiated with the secretary, administer a portion of funds  
23 appropriated by the legislature to house mentally ill persons in state  
24 institutions from counties within the boundaries of any regional  
25 support network, with the exception of mentally ill offenders(~~(,~~ and  
26 ~~provide for the care of all persons needing evaluation and treatment~~  
27 ~~services for periods up to seventeen days according to chapter 71.05~~  
28 ~~RCW in appropriate residential services, which may include state~~  
29 ~~institutions))). The regional support networks shall reimburse the  
30 state for use of state institutions at a rate equal to that assumed by  
31 the legislature when appropriating funds for such care at state  
32 institutions during the biennium when reimbursement occurs. The daily  
33 rates for use of the state institutions by the regional support  
34 networks shall not exceed the daily rates used to determine the amount  
35 of funds allocated to the regional support networks through this  
36 subsection. The duty of a state hospital to accept persons for  
37 evaluation and treatment under chapter 71.05 RCW is limited by the  
38 responsibilities assigned to regional support networks under this  
39 section. For regional support networks that are created after June 30,~~

1 1991, the requirements of (d) of this subsection must be met by July 1,  
2 1995. In order to further the partnership between the hospitals and  
3 the community, the state operating budget will allocate institutional  
4 and community funds in a single line entry to the department.

5 (e) Administer and provide for the availability of all other mental  
6 health services, which shall include patient counseling, day treatment,  
7 consultation, education services, employment services as defined in RCW  
8 71.24.035, and mental health services to children as provided in this  
9 chapter.

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

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

15 (3) A regional support network may request that any state-owned  
16 land, building, facility, or other capital asset which was ever  
17 purchased, deeded, given, or placed in trust for the care of the  
18 mentally ill and which is within the boundaries of a regional support  
19 network be made available to support the operations of the regional  
20 support network. State agencies managing such capital assets shall  
21 give first priority to requests for their use pursuant to this chapter.

22 (4) Each regional support network shall appoint a mental health  
23 advisory board which shall review and provide comments on plans and  
24 policies developed under this chapter. The composition of the board  
25 shall be broadly representative of the demographic character of the  
26 region and the mentally ill persons served therein. Length of terms of  
27 board members shall be determined by the regional support network.

28 (5) Regional support networks shall assume all duties specified in  
29 their plans and joint operating agreements through biennial contractual  
30 agreements with the secretary. Such contracts may include agreements  
31 to provide periods of stable community living and work or other day  
32 activities for specific chronically mentally ill persons who have  
33 completed commitments at state hospitals on ninety-day or one hundred  
34 eighty-day civil commitments or who have been residents at state  
35 hospitals for no less than one hundred eighty days within the previous  
36 year. Periods of stable community living may involve acute care in  
37 local evaluation and treatment facilities but may not involve use of  
38 state hospitals.

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

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

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

31 (9) The activities and operations of regional support networks, to  
32 the extent they pertain to the operation of a Title XIX managed care  
33 system, are exempt from the provisions and requirements of Title 48  
34 RCW.

35 **Sec. 5.** RCW 72.23.027 and 1992 c 230 s 2 are each amended to read  
36 as follows:

37 The secretary shall develop a system of more integrated service  
38 delivery((7)) for persons with developmental disabilities, head injury,

1 and substance abuse, as well as geriatric populations who are served by  
2 the mental health system including incentives to discourage the  
3 inappropriate placement of these persons ((with developmental  
4 disabilities, head injury, and substance abuse,)) at state or local  
5 mental hospitals ((and encourage their care in community settings. By  
6 December 1, 1992, the department shall submit an implementation  
7 strategy, including budget proposals, to the appropriate committees of  
8 the legislature for this system)). By August 30, 1993, the secretary  
9 shall present a policy statement, including guidelines for achieving  
10 the above, and budget strategies to fulfill these guidelines to the  
11 office of financial management and the appropriate committees of the  
12 legislature. These guidelines shall describe how the various divisions  
13 of the department and the local or regional entities responsible for  
14 administering these programs will share responsibility with the mental  
15 health divisions and the regional support networks for programming and  
16 funding services for the populations described above. Such guidelines  
17 and strategies shall include mechanisms permitting flexible sharing of  
18 funds and services to meet multiple needs of individuals in the  
19 community and state or local hospitals.

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

23 The secretary may establish specialized care programs for persons  
24 described in this section on the grounds of the state hospitals. Such  
25 programs may operate according to professional standards that do not  
26 conform to existing federal or private hospital accreditation  
27 standards."

28 **ESHB 1897** - S COMM AMD

29 By Committee on Health & Human Services

30

31 On page 1, line 1 of the title, after "health;" strike the  
32 remainder of the title and insert "amending RCW 71.24.015, 71.24.025,  
33 71.24.300, and 72.23.027; and reenacting and amending RCW 71.24.035."

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