
SUBSTITUTE HOUSE BILL 1897

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Human Services (originally sponsored by Representatives Thibaudeau, Leonard, Brown, Patterson, J. Kohl and L. Johnson)

Read first time 03/03/93.

1 AN ACT Relating to mental health; amending RCW 71.24.015,
2 71.24.025, 71.24.300, and 72.23.027; and reenacting and amending RCW
3 71.24.035.

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

5 **Sec. 1.** RCW 71.24.015 and 1991 c 306 s 1 are each amended to read
6 as follows:

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

11 (1) Access to mental health services for adults of the state who
12 are acutely mentally ill, chronically mentally ill, or seriously
13 disturbed and children of the state who are acutely mentally ill,
14 severely emotionally disturbed, or seriously disturbed, which services
15 recognize the special needs of underserved populations, including
16 minorities, children, the elderly, disabled, and low-income persons.
17 It is also the purpose of this chapter to promote the early
18 identification of mentally ill children and to ensure that they receive
19 the mental health care and treatment which is appropriate to their

1 developmental level. This care should improve home, school, and
2 community functioning, maintain children in a safe and nurturing home
3 environment, and should enable treatment decisions to be made in
4 response to clinical needs in accordance with sound professional
5 judgment while also recognizing parents' rights to participate in
6 treatment decisions for their children;

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

9 (3) Minimum service delivery standards;

10 (4) Priorities for the use of available resources for the care of
11 the mentally ill;

12 (5) Coordination of services within the department, including those
13 divisions within the department that provide services to children,
14 between the department and the office of the superintendent of public
15 instruction, and among state mental hospitals, county authorities,
16 community mental health services, and other support services, which
17 shall to the maximum extent feasible also include the families of the
18 mentally ill, and other service providers; and

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

22 It is the policy of the state to encourage the provision of a full
23 range of treatment and rehabilitation services in the state for mental
24 disorders. The legislature intends to encourage the development of
25 county-based and county-managed mental health services with adequate
26 local flexibility to assure eligible people in need of care access to
27 the least-restrictive treatment alternative appropriate to their needs,
28 and the availability of treatment components to assure continuity of
29 care. To this end, counties are encouraged to enter into joint
30 operating agreements with other counties and tribal authorities where
31 present to form regional systems of care which integrate planning,
32 administration, and service delivery duties assigned to counties under
33 chapters 71.05 and 71.24 RCW to consolidate administration, reduce
34 administrative layering, and reduce administrative costs.

35 It is further the intent of the legislature to integrate the
36 provision of services to provide continuity of care through all phases
37 of treatment. To this end the legislature intends to promote active
38 engagement with mentally ill persons and collaboration between families
39 and service providers.

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

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

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

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

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

11 (c) Presenting a likelihood of serious harm as defined in RCW
12 71.05.020(3) or, in the case of a child, as defined in RCW
13 71.34.020(11).

14 (2) "Available resources" means those funds which shall be
15 appropriated under this chapter by the legislature during any biennium
16 for the purpose of providing community mental health programs under RCW
17 71.24.045. When regional support networks are established or after
18 July 1, 1995, "available resources" means federal funds, except those
19 provided according to Title XIX of the social security act, and state
20 funds appropriated under this chapter or chapter 71.05 RCW by the
21 legislature during any biennium for the purpose of providing
22 residential services, resource management services, community support
23 services, and other mental health services. This does not include
24 funds appropriated for the purpose of operating and administering the
25 state psychiatric hospitals, except as negotiated according to RCW
26 71.24.300(1)(d).

27 (3) "Licensed service provider" means an entity licensed according
28 to this chapter or chapter 71.05 RCW that meets state minimum standards
29 or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.88
30 RCW.

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

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

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

36 (b) Has experienced a continuous psychiatric hospitalization or
37 residential treatment exceeding six months' duration within the
38 preceding year; or

1 (c) Has been unable to engage in any substantial gainful activity
2 by reason of any mental disorder which has lasted for a continuous
3 period of not less than twelve months. "Substantial gainful activity"
4 shall be defined by the department by rule consistent with Public Law
5 92-603, as amended.

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

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

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

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

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

21 (i) Chronic family dysfunction involving a mentally ill or
22 inadequate caretaker;

23 (ii) Changes in custodial adult;

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

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

29 (v) Drug or alcohol abuse; or

30 (vi) Homelessness.

31 (7) "Community mental health program" means all mental health
32 services established by a county authority. After July 1, 1995, or
33 when the regional support networks are established, "community mental
34 health program" means all activities or programs using available
35 resources.

36 (8) "Community support services" means services for acutely
37 mentally ill persons, chronically mentally ill adults, and severely
38 emotionally disturbed children and includes: (a) Discharge planning
39 for clients leaving state mental hospitals, other acute care inpatient

1 facilities, inpatient psychiatric facilities for persons under twenty-
2 one years of age, and other children's mental health residential
3 treatment facilities; (b) sufficient contacts with clients, families,
4 schools, or significant others to provide for an effective program of
5 community maintenance; and (c) medication monitoring. After July 1,
6 1995, or when regional support networks are established, for adults and
7 children "community support services" means services authorized,
8 planned, and coordinated through resource management services
9 including, at least, assessment, diagnosis, emergency crisis
10 intervention available twenty-four hours, seven days a week,
11 prescreening determinations for mentally ill persons being considered
12 for placement in nursing homes as required by federal law, screening
13 for patients being considered for admission to residential services,
14 diagnosis and treatment for acutely mentally ill and severely
15 emotionally disturbed children discovered under screening through the
16 federal Title XIX early and periodic screening, diagnosis, and
17 treatment program, investigation, legal, and other nonresidential
18 services under chapter 71.05 RCW, case management services, psychiatric
19 treatment including medication supervision, counseling, psychotherapy,
20 assuring transfer of relevant patient information between service
21 providers, other services determined by regional support networks, and
22 maintenance of a patient tracking system for chronically mentally ill
23 adults and severely emotionally disturbed children.

24 (9) "County authority" means the board of county commissioners,
25 county council, or county executive having authority to establish a
26 community mental health program, or two or more of the county
27 authorities specified in this subsection which have entered into an
28 agreement to provide a community mental health program.

29 (10) "Department" means the department of social and health
30 services.

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

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

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

5 (14) "Residential services" means a facility or distinct part
6 thereof which provides food and shelter, and may include treatment
7 services.

8 When regional support networks are established, or after July 1,
9 1995, for adults and children "residential services" means a complete
10 range of residences and supports authorized by resource management
11 services and which may involve a facility, a distinct part thereof, or
12 services which support community living, for acutely mentally ill
13 persons, chronically mentally ill adults, severely emotionally
14 disturbed children, or seriously disturbed adults determined by the
15 regional support network to be at risk of becoming acutely or
16 chronically mentally ill. The services shall include at least
17 evaluation and treatment services as defined in chapter 71.05 RCW,
18 acute crisis respite care, long-term adaptive and rehabilitative care,
19 and supervised and supported living services, and shall also include
20 any residential services developed to service mentally ill persons in
21 nursing homes. Residential services for children in out-of-home
22 placements related to their mental disorder shall not include the costs
23 of food and shelter, except for children's long-term residential
24 facilities existing prior to January 1, 1991.

25 (15) "Resource management services" mean the planning,
26 coordination, and authorization of residential services and community
27 support services administered pursuant to an individual service plan
28 for acutely mentally ill adults and children, chronically mentally ill
29 adults, severely emotionally disturbed children, or seriously disturbed
30 adults determined by the regional support network at their sole
31 discretion to be at risk of becoming acutely or chronically mentally
32 ill. Such planning, coordination, and authorization shall include
33 mental health screening for children eligible under the federal Title
34 XIX early and periodic screening, diagnosis, and treatment program.
35 Resource management services include seven day a week, twenty-four hour
36 a day availability of information regarding mentally ill adults' and
37 children's enrollment in services and their individual service plan to
38 county-designated mental health professionals, evaluation and treatment
39 facilities, and others as determined by the regional support network.

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

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

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

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

10 (d) Exhibits suicidal preoccupation or attempts; or

11 (e) Is a child diagnosed by a mental health professional, as
12 defined in RCW 71.05.020, as experiencing a mental disorder which is
13 clearly interfering with the child's functioning in family or school or
14 with peers or is clearly interfering with the child's personality
15 development and learning.

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

17 (18) "State minimum standards" means: (a) Minimum requirements for
18 delivery of mental health services as established by departmental rules
19 and necessary to implement this chapter, including but not limited to
20 licensing service providers and services; (b) minimum service
21 requirements for licensed service providers for the provision of mental
22 health services as established by departmental rules pursuant to
23 chapter 34.05 RCW as necessary to implement this chapter, including,
24 but not limited to: Qualifications for staff providing services
25 directly to mentally ill persons; the intended result of each service;
26 and the rights and responsibilities of persons receiving mental health
27 services pursuant to this chapter; (c) minimum requirements for
28 residential services as established by the department in rule based on
29 clients' functional abilities and not solely on their diagnoses,
30 limited to health and safety, staff qualifications, and program
31 outcomes. Minimum requirements for residential services are those
32 developed in collaboration with consumers, families, counties,
33 regulators, and residential providers serving the mentally ill.
34 Minimum requirements encourage the development of broad-range
35 residential programs, including integrated housing and cross-systems
36 programs where appropriate, and do not unnecessarily restrict
37 programming flexibility; and (d) minimum standards for community
38 support services and resource management services, including at least
39 qualifications for resource management services, client tracking

1 systems, and the transfer of patient information between service
2 providers.

3 (19) "Tribal authority," for the purposes of this section and RCW
4 71.24.300 only, includes: The federally recognized Indian tribes and
5 the major Indian organizations recognized by the secretary insofar as
6 these organizations do not have a financial relationship with any
7 regional support network that would present a conflict of interest.

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

10 (1) The department is designated as the state mental health
11 authority.

12 (2) The secretary (~~may~~) shall provide for public, regional
13 support network, client, and licensed service provider participation in
14 developing the state mental health program. The program shall promote
15 a partnership between all individuals and organizations, and all levels
16 of government, involved in mental health care and treatment.

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

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

24 (5) The secretary shall:

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

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

34 (A) Outpatient services;

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

36 (C) Day treatment for mentally ill persons which includes training
37 in basic living and social skills, supported work, vocational
38 rehabilitation, and day activities. Such services may include

1 therapeutic treatment. In the case of a child, day treatment includes
2 age-appropriate basic living and social skills, educational and
3 prevocational services, day activities, and therapeutic treatment;

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

6 (E) Employment services, which may include supported employment,
7 transitional work, placement in competitive employment, and other work-
8 related services, that result in mentally ill persons becoming engaged
9 in meaningful and gainful full or part-time work. Other sources of
10 funding such as the division of vocational rehabilitation may be
11 utilized by the secretary to maximize federal funding and provide for
12 integration of services;

13 (F) Consultation and education services; and

14 (G) Community support services;

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

18 (i) Licensed service providers;

19 (ii) Regional support networks; and

20 (iii) Residential and inpatient services, evaluation and treatment
21 services and facilities under chapter 71.05 RCW, resource management
22 services, and community support services;

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

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

28 (f) Establish and implement, to the extent possible, a single
29 standardized auditing procedure for regional support networks and
30 providers which minimizes paperwork requirements of county authorities
31 and licensed service providers;

32 (g) Develop and maintain an information system to be used by the
33 state, counties, and regional support networks when they are
34 established which shall include a tracking method which allows the
35 department and regional support networks to identify mental health
36 clients' participation in any mental health service or public program
37 on an immediate basis. The information system shall not include
38 individual patient's case history files. Confidentiality of client
39 information and records shall be maintained as provided in this chapter

1 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and
2 71.05.440. The system shall be fully operational no later than January
3 1, 1993: PROVIDED, HOWEVER, That when a regional support network is
4 established, the department shall have an operational interim tracking
5 system for that network that will be adequate for the regional support
6 network to perform its required duties under this chapter;

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

8 (i) Certify regional support networks that meet state minimum
9 standards;

10 (j) Periodically inspect certified regional support networks and
11 licensed service providers at reasonable times and in a reasonable
12 manner; and

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

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

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

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

31 (6) The secretary shall use available resources appropriated
32 specifically for community mental health programs only for programs
33 under RCW 71.24.045. After July 1, 1995, or when regional support
34 networks are established, available resources may be used only for
35 regional support networks.

36 (7) Each certified regional support network and licensed service
37 provider shall file with the secretary, on request, such data,
38 statistics, schedules, and information as the secretary reasonably
39 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. Such rules shall be relevant to childrens' services as well
28 as adult services; eliminate duplicative responsibilities and
29 procedures at the state, regional support network, and provider levels;
30 streamline administrative requirements to focus on outcomes rather than
31 process; and create the flexibility intended by this chapter. Existing
32 rules will be revised under these criteria by January 1, 1994.

33 (12) Notwithstanding the existence or pursuit of any other remedy,
34 the secretary may, in the manner provided by law, upon the advice of
35 the attorney general who shall represent the secretary in the
36 proceedings, maintain an action in the name of the state for an
37 injunction or other process against any person or governmental unit to
38 restrain or prevent the establishment, conduct, or operation of a

1 regional support network or service provider without certification or
2 a license under this chapter.

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

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

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

30 (15) To supersede duties assigned under subsection (5) (a) and (b)
31 of this section, and to assure a county-based, integrated system of
32 care for acutely mentally ill adults and children, chronically mentally
33 ill adults, severely emotionally disturbed children, and seriously
34 disturbed adults and children who are determined by regional support
35 networks at their sole discretion to be at risk of becoming acutely or
36 chronically mentally ill, or severely emotionally disturbed, the
37 secretary shall encourage the development of regional support networks
38 as follows:

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

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

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

20 (16) By January 1, 1992, the secretary shall provide available
21 resources to regional support networks to operate freestanding
22 evaluation and treatment facilities or for regional support networks to
23 contract with local hospitals to assure access for regional support
24 network patients. Any savings achieved through reduction in the use of
25 voluntary and involuntary care in state and local hospitals shall be
26 retained by the regional support network, and may not be diverted to
27 other state programs or purposes. These savings shall be calculated
28 using data, methodology, and assumptions at the sole discretion of the
29 secretary, in consultation with regional support networks.

30 (17) The secretary shall:

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

35 (b) Enter into biennial contracts with regional support networks to
36 begin implementation between January 1, 1990, and March 1, 1990, and
37 complete implementation by June 1995. The contracts shall be
38 consistent with available resources. No contract shall be approved
39 that does not include progress toward meeting the goals of this chapter

1 by taking responsibility for: (i) Short-term commitments; (ii)
2 residential care; and (iii) emergency response systems.

3 (c) By July 1, 1993, allocate one hundred percent of available
4 resources to regional support networks created by January 1, 1990, in
5 a single grant. Regional support networks created by January 1, 1991,
6 shall receive a single block grant by July 1, 1993; regional support
7 networks created by January 1, 1992, shall receive a single block grant
8 by July 1, 1994; and regional support networks created by January 1,
9 1993, shall receive a single block grant by July 1, 1995. The grants
10 shall include funds currently provided for all residential services,
11 all services pursuant to chapter 71.05 RCW, and all community support
12 services and shall be distributed in accordance with a formula
13 submitted to the legislature by January 1, 1993, in accordance with
14 subsection (14) of this section.

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

21 (e) By March 1, 1990, or within sixty days of approval of the
22 contract continuing through July 1, 1993, provide grants as
23 specifically appropriated by the legislature to regional support
24 networks for evaluation and treatment facilities for persons detained
25 or committed for periods up to seventeen days according to chapter
26 71.05 RCW. For regional support networks created by January 1, 1993,
27 provide grants as specifically appropriated by the legislature to
28 regional support networks for evaluation and treatment facilities for
29 persons detained or committed for periods up to seventeen days
30 according to chapter 71.05 RCW through July 1, 1995.

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

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

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

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

7 (j) By July 1, 1993, make a portion of state hospital funds
8 appropriated by the legislature available for administer a portion
9 agreements.

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

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

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

27 A county authority or a group of county authorities whose combined
28 population is no less than forty thousand may enter into a joint
29 operating agreement to form a regional support network. A regional
30 support network agreement shall include a tribal authority within the
31 boundaries of the regional support network upon the request of that
32 tribal authority. The roles and responsibilities of county and tribal
33 authorities shall be determined by the terms of that agreement
34 including a determination of membership on the regional support network
35 governing board and the provisions of law and shall assure the
36 provision of culturally competent services to the tribes participating
37 in the regional support networks. In regional support networks where
38 there is more than one tribal authority, the various tribal authorities

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

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

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

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

21 (c) By July 1, 1993, provide within the boundaries of each regional
22 support network evaluation and treatment services for at least
23 eighty-five percent of persons detained or committed for periods up to
24 seventeen days according to chapter 71.05 RCW. Regional support
25 networks with populations of less than one hundred fifty thousand may
26 contract to purchase evaluation and treatment services from other
27 networks. Insofar as the original intent of serving persons in the
28 community is maintained, the secretary is authorized to approve
29 exceptions on a case-by-case basis to the requirement to provide
30 evaluation and treatment services within the boundaries of each
31 regional support network. Such exceptions are limited to contracts
32 with neighboring or contiguous regions. For regional support networks
33 that are created after June 30, 1991, the requirements of (c) of this
34 subsection must be met by July 1, 1995.

35 (d) By July 1, 1993, or as soon thereafter as an agreement can be
36 negotiated with the secretary, administer a portion of funds
37 appropriated by the legislature to house mentally ill persons in state
38 institutions from counties within the boundaries of any regional
39 support network, with the exception of mentally ill offenders(~~(,~~ and

1 provide for the care of all persons needing evaluation and treatment
2 services for periods up to seventeen days according to chapter 71.05
3 RCW in appropriate residential services, which may include state
4 institutions)). The regional support networks shall reimburse the
5 state for use of state institutions at a rate equal to that assumed by
6 the legislature when appropriating funds for such care at state
7 institutions during the biennium when reimbursement occurs. The daily
8 rates for use of the state institutions by the regional support
9 networks shall not exceed the daily rates used to determine the amount
10 of funds allocated to the regional support networks through this
11 subsection. The duty of a state hospital to accept persons for
12 evaluation and treatment under chapter 71.05 RCW is limited by the
13 responsibilities assigned to regional support networks under this
14 section. For regional support networks that are created after June 30,
15 1991, the requirements of (d) of this subsection must be met by July 1,
16 1995. In order to further the partnership between the hospitals and
17 the community, the state operating budget will allocate institutional
18 and community funds in a single line entry to the department.

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

36 (4) Each regional support network shall appoint a mental health
37 advisory board which shall review and provide comments on plans and
38 policies developed under this chapter. The composition of the board
39 shall be broadly representative of the demographic character of the

1 region and the mentally ill persons served therein. Length of terms of
2 board members shall be determined by the regional support network.

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

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

22 (7) By November 1, 1991, and as part of each biennial plan
23 thereafter, each regional support network shall establish and submit to
24 the state, procedures and agreements to assure access to sufficient
25 additional local evaluation and treatment facilities to meet the
26 requirements of this chapter while reducing short-term admissions to
27 state hospitals. These shall be commitments to construct and operate,
28 or contract for the operation of, freestanding evaluation and treatment
29 facilities or agreements with local evaluation and treatment facilities
30 which shall include (a) required admission and treatment for short-term
31 inpatient care for any person enrolled in community support or
32 residential services, (b) discharge planning procedures, (c)
33 limitations on admissions or transfers to state hospitals, (d) adequate
34 psychiatric supervision, (e) prospective payment methods, and (f)
35 contractual assurances regarding referrals to local evaluation and
36 treatment facilities from regional support networks.

37 (8) Regional support networks may receive technical assistance from
38 the housing trust fund and may identify and submit projects for housing
39 and housing support services to the housing trust fund established

1 under chapter 43.185 RCW. Projects identified or submitted under this
2 subsection must be fully integrated with the regional support network
3 six-year operating and capital plan, timeline, and budget required by
4 subsection (1) of this section.

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

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

11 The secretary shall develop a system of more integrated service
12 delivery, including incentives to discourage the inappropriate
13 placement of persons with developmental disabilities, head injury, and
14 substance abuse, at state mental hospitals and encourage their care in
15 community settings. ~~((By December 1, 1992, the department shall submit~~
16 ~~an implementation strategy, including budget proposals, to the~~
17 ~~appropriate committees of the legislature for this system.))~~ By August
18 30, 1993, the secretary shall present a policy statement and budget
19 proposal to the office of financial management and the appropriate
20 committees of the legislature on how the various divisions of the
21 department will participate financially and programmatically in meeting
22 the treatment needs of the elderly and those persons with developmental
23 disabilities, head injury, and chemical dependency who are also served
24 by the mental health system. Such statements and proposals shall
25 include mechanisms permitting flexible sharing of funds and services to
26 meet multiple needs of individuals in the community and the state
27 hospital.

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

31 The secretary may establish specialized care programs for persons
32 described in this section on the grounds of the state hospitals. Such
33 programs may operate according to professional standards that do not
34 conform to existing federal or private hospital accreditation
35 standards.

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