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SENATE BILL 6547

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State of Washington                      53rd Legislature                      1994 Regular Session

By Senators Sheldon, Niemi, Prentice and Anderson

Read first time 01/26/94. Referred to Committee on Health & Human Services.

1            AN ACT Relating to mental health systems accountability; reenacting  
2 and amending RCW 71.24.035; adding a new section to chapter 71.24 RCW;  
3 and creating a new section.

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

5            NEW SECTION.    **Sec. 1.**    The legislature finds that the current  
6 complex set of rules and regulations, audited and administered at  
7 multiple levels of the mental health system, focus primarily on the  
8 process of providing mental health services and do not sufficiently  
9 address consumer and system outcomes. To this extent, the legislature  
10 finds that the intent of RCW 71.24.015 related to reduced  
11 administrative layering, duplication, and reduced administrative costs  
12 need much more aggressive action.

13            NEW SECTION.    **Sec. 2.**    A new section is added to chapter 71.24 RCW  
14 to read as follows:

15            (1) By January 1, 1995, the secretary shall implement a single  
16 standardized auditing and licensing procedure with regional support  
17 networks and licensed service providers that minimizes paperwork  
18 requirements of regional support networks and providers, assures

1 quality of care, and significantly increases the productivity of the  
2 mental health service delivery system. If more than one division of  
3 the department must be involved in the process of auditing provider and  
4 regional support network compliance with laws, rules, procedures, or  
5 contracts, the audits or reviews shall be coordinated to occur  
6 simultaneously.

7 (2) A regional support network or licensed service provider may  
8 submit to the appropriate committees of the legislature, a list of  
9 rules and procedures that do not specifically result in the improvement  
10 of client outcomes by November 1, 1994, together with recommendations  
11 for revision or repeal of rules or statutes that may need to be  
12 repealed or modified. The department may coordinate the submission of  
13 these lists and submit relevant comments.

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

16 (1) The department is designated as the state mental health  
17 authority.

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

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

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

28 (5) The secretary shall:

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

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

38 (A) Outpatient services;

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

2 (C) Day treatment for mentally ill persons which includes training  
3 in basic living and social skills, supported work, vocational  
4 rehabilitation, and day activities. Such services may include  
5 therapeutic treatment. In the case of a child, day treatment includes  
6 age-appropriate basic living and social skills, educational and  
7 prevocational services, day activities, and therapeutic treatment;

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

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

17 (F) Consultation and education services; and

18 (G) Community support services;

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

22 (i) Licensed service providers;

23 (ii) Regional support networks; and

24 (iii) Residential and inpatient services, evaluation and treatment  
25 services and facilities under chapter 71.05 RCW, resource management  
26 services, and community support services;

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

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

32 (f) Establish, (~~to the extent possible~~) as part of the  
33 standardized auditing and licensing procedures required by section 2 of  
34 this act, a standardized auditing procedure which minimizes paperwork  
35 requirements of county authorities and licensed service providers;

36 (g) Develop and maintain an information system to be used by the  
37 state, counties, and regional support networks when they are  
38 established which shall include a tracking method which allows the  
39 department and regional support networks to identify mental health

1 clients' participation in any mental health service or public program  
2 on an immediate basis. The information system shall not include  
3 individual patient's case history files. Confidentiality of client  
4 information and records shall be maintained as provided in this chapter  
5 and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and  
6 71.05.440. The system shall be fully operational no later than January  
7 1, 1993: PROVIDED, HOWEVER, That when a regional support network is  
8 established, the department shall have an operational interim tracking  
9 system for that network that will be adequate for the regional support  
10 network to perform its required duties under this chapter;

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

12 (i) Certify regional support networks that meet state minimum  
13 standards as part of the standardized auditing and licensing procedures  
14 required by section 2 of this act;

15 (j) Periodically inspect certified regional support networks and  
16 licensed service providers (~~at reasonable times and in a reasonable~~  
17 ~~manner~~) as part of the standardized auditing and licensing procedures  
18 required by section 2 of this act; and

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

21 (l) Monitor and audit counties, regional support networks, and  
22 licensed service providers as needed to assure compliance with  
23 contractual agreements authorized by this chapter as part of the  
24 standardized auditing and licensing procedures required by section 2 of  
25 this act;

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

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

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

6 (7) Each certified regional support network and licensed service  
7 provider shall file with the secretary, on request, such data,  
8 statistics, schedules, and information as the secretary reasonably  
9 requires. A certified regional support network or licensed service  
10 provider which, without good cause, fails to furnish any data,  
11 statistics, schedules, or information as requested, or files fraudulent  
12 reports thereof, may have its certification or license revoked or  
13 suspended.

14 (8) The secretary may suspend, revoke, limit, or restrict a  
15 certification or license, or refuse to grant a certification or license  
16 for failure to conform to the law, applicable rules and regulations, or  
17 applicable standards, or failure to meet the minimum standards  
18 established pursuant to this section.

19 (9) The superior court may restrain any regional support network or  
20 service provider from operating without certification or a license or  
21 any other violation of this section. The court may also review,  
22 pursuant to procedures contained in chapter 34.05 RCW, any denial,  
23 suspension, limitation, restriction, or revocation of certification or  
24 license, and grant other relief required to enforce the provisions of  
25 this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

22 (16) By January 1, 1992, the secretary shall provide available  
23 resources to regional support networks to operate freestanding  
24 evaluation and treatment facilities or for regional support networks to  
25 contract with local hospitals to assure access for regional support  
26 network patients.

27 (17) The secretary shall:

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

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

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

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

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

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

32 (g) Deny funding allocations to regional support networks based  
33 solely upon formal findings of noncompliance with the terms of the  
34 regional support network's contract with the department. Written  
35 notice and at least thirty days for corrective action must precede any  
36 such action. In such cases, regional support networks shall have full  
37 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 (18) The department of social and health services, in cooperation  
8 with the state congressional delegation, shall actively seek waivers of  
9 federal requirements and such modifications of federal regulations as  
10 are necessary to allow federal medicaid reimbursement for services  
11 provided by free-standing evaluation and treatment facilities certified  
12 under chapter 71.05 RCW. The department shall periodically report its  
13 efforts to the health care and corrections committee of the senate and  
14 the human services committee of the house of representatives.

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

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