
HOUSE BILL 2357

State of Washington 58th Legislature 2004 Regular Session

By Representatives Hinkle, Pettigrew, Rockefeller and Skinner

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Committee on Health Care.

1 AN ACT Relating to use of state hospital beds by regional support
2 networks; amending RCW 71.24.300; adding a new section to chapter 71.24
3 RCW; and creating a new section.

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

5 **Sec. 1.** RCW 71.24.300 and 2001 c 323 s 17 are each amended to read
6 as follows:

7 A county authority or a group of county authorities whose combined
8 population is no less than forty thousand may enter into a joint
9 operating agreement to form a regional support network. Upon the
10 request of a tribal authority or authorities within a regional support
11 network the joint operating agreement or the county authority shall
12 allow for the inclusion of the tribal authority to be represented as a
13 party to the regional support network. The roles and responsibilities
14 of the county and tribal authorities shall be determined by the terms
15 of that agreement including a determination of membership on the
16 governing board and advisory committees, the number of tribal
17 representatives to be party to the agreement, and the provisions of law
18 and shall assure the provision of culturally competent services to the
19 tribes served. The state mental health authority may not determine the

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

8 (1) Regional support networks shall submit an overall six-year
9 operating and capital plan, timeline, and budget and submit progress
10 reports and an updated two-year plan biennially thereafter, to assume
11 within available resources all of the following duties:

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

15 (b) Assume the powers and duties of county authorities within its
16 area as described in RCW 71.24.045 (1) through (7).

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

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

32 (e) Administer a portion of funds appropriated by the legislature
33 to house mentally ill persons in state institutions from counties
34 within the boundaries of any regional support network, with the
35 exception of persons currently confined at, or under the supervision
36 of, a state mental hospital pursuant to chapter 10.77 RCW, and provide
37 for the care of all persons needing evaluation and treatment services
38 for periods up to seventeen days according to chapter 71.05 RCW in

1 appropriate residential services, which may include state institutions.
2 The regional support networks shall reimburse the state for use of
3 state institutions at a rate equal to that assumed by the legislature
4 when appropriating funds for such care at state institutions during the
5 biennium when reimbursement occurs. The secretary shall submit a
6 report to the appropriate committees of the senate and house of
7 representatives on the efforts to implement this section by October 1,
8 2002. The duty of a state hospital to accept persons for evaluation
9 and treatment under chapter 71.05 RCW is limited by the
10 responsibilities assigned to regional support networks under this
11 section. Regional support networks who are in excess of their
12 individual allocated census at the state hospital shall be assessed
13 liquidated damages. The amount of liquidated damages shall be the
14 number of beds over the individual allocated census multiplied by three
15 hundred percent of the state hospital daily bed charge established
16 under RCW 43.20B.325.

17 (f) Administer and provide for the availability of all other mental
18 health services, which shall include patient counseling, day treatment,
19 consultation, education services, employment services as defined in RCW
20 71.24.035, and mental health services to children as provided in this
21 chapter (~~designed to achieve the outcomes specified in section 5 of~~
22 ~~this act~~)).

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

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

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

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

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

4 (5) Regional support networks shall assume all duties specified in
5 their plans and joint operating agreements through biennial contractual
6 agreements with the secretary.

7 (6) Counties or groups of counties participating in a regional
8 support network are not subject to RCW 71.24.045(6).

9 (7) Regional support networks may receive technical assistance from
10 the housing trust fund and may identify and submit projects for housing
11 and housing support services to the housing trust fund established
12 under chapter 43.185 RCW. Projects identified or submitted under this
13 subsection must be fully integrated with the regional support network
14 six-year operating and capital plan, timeline, and budget required by
15 subsection (1) of this section.

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

18 (1) Liquidated damages collected under RCW 71.24.300(1)(e) shall be
19 collected by the department and shall be used in the following order:

20 (a) To reimburse the state for use of state hospitals at a rate
21 equal to that assumed by the legislature when appropriating funds for
22 such care at state hospitals during the biennium when reimbursement
23 occurs;

24 (b) To reimburse regional support networks who have not exceeded
25 and are unable to utilize their individual allocated census at the
26 state hospital, for the costs associated with providing inpatient
27 treatment in a community hospital; and, to the extent any funds remain,

28 (c) To allow regional support networks who have exceeded their
29 individual allocated census at the state hospital, to apply for funds
30 to develop local inpatient or hospital diversion capacity to reduce
31 their over reliance on the state hospital.

32 (2) If the state hospital admits patients in excess of their funded
33 capacity, first priority shall be given to regional support networks
34 who are under their individual allocated census.

35 NEW SECTION. **Sec. 3.** The department of social and health services
36 shall adopt rules implementing the provisions of this act.

1 NEW SECTION. **Sec. 4.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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