
HOUSE BILL 2942

State of Washington

58th Legislature

2004 Regular Session

By Representatives O'Brien, Benson, Moeller, Campbell, Dunshee, Delvin, Sullivan, Hinkle, Edwards and Linville

Read first time 01/23/2004. Referred to Committee on Health Care.

1 AN ACT Relating to creating a consumer or advocate-run mental
2 health service delivery system; amending RCW 71.24.025 and 71.24.300;
3 reenacting and amending RCW 71.24.015; and providing an effective date.

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

5 **Sec. 1.** RCW 71.24.015 and 2001 c 334 s 6 and 2001 c 323 s 1 are
6 each reenacted and amended to read as follows:

7 The legislature finds that the involvement of persons with mental
8 illness, their family members, and advocates in designing,
9 implementing, and delivering mental health services reduces unnecessary
10 hospitalizations and incarceration and promotes the employment of
11 persons with mental illness. To improve the quality of services
12 available and promote the rehabilitation, recovery, and reintegration
13 of persons with mental illness, consumer and advocate-run mental health
14 services are an integral part of the community mental health system and
15 shall be supported.

16 It is the intent of the legislature to establish a community mental
17 health program (~~which shall~~) to help people experiencing mental
18 illness to retain a respected and productive position in the community.
19 This will be accomplished through programs which provide for:

1 (1) Access to mental health services for adults of the state who
2 are acutely mentally ill, chronically mentally ill, or seriously
3 disturbed and children of the state who are acutely mentally ill,
4 severely emotionally disturbed, or seriously disturbed, which services
5 recognize the special needs of underserved populations, including
6 minorities, children, the elderly, disabled, and low-income persons.
7 Access to mental health services shall not be limited by a person's
8 history of confinement in a state, federal, or local correctional
9 facility. It is also the purpose of this chapter to promote the early
10 identification of mentally ill children and to ensure that they receive
11 the mental health care and treatment which is appropriate to their
12 developmental level. This care should improve home, school, and
13 community functioning, maintain children in a safe and nurturing home
14 environment, and should enable treatment decisions to be made in
15 response to clinical needs in accordance with sound professional
16 judgment while also recognizing parents' rights to participate in
17 treatment decisions for their children;

18 (2) Accountability of efficient and effective services through
19 state of the art outcome and performance measures and statewide
20 standards for monitoring client and system outcomes, performance, and
21 reporting of client and system outcome information. These processes
22 shall be designed so as to maximize the use of available resources for
23 direct care of people with a mental illness;

24 (3) Minimum service delivery standards;

25 (4) Priorities for the use of available resources for the care of
26 the mentally ill consistent with the priorities defined in the statute;

27 (5) Coordination of services within the department, including those
28 divisions within the department that provide services to children,
29 between the department and the office of the superintendent of public
30 instruction, and among state mental hospitals, county authorities,
31 community mental health services, and other support services, which
32 shall to the maximum extent feasible also include the families of the
33 mentally ill, and other service providers; and

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

37 It is the policy of the state to encourage the provision of a full
38 range of treatment and rehabilitation services in the state for mental

1 disorders. The legislature intends to encourage the development of
2 county-based and county-managed mental health services with adequate
3 local flexibility to assure eligible people in need of care access to
4 the least-restrictive treatment alternative appropriate to their needs,
5 and the availability of treatment components to assure continuity of
6 care. To this end, counties are encouraged to enter into joint
7 operating agreements with other counties to form regional systems of
8 care which integrate planning, administration, and service delivery
9 duties assigned to counties under chapters 71.05 and 71.24 RCW to
10 consolidate administration, reduce administrative layering, and reduce
11 administrative costs.

12 It is further the intent of the legislature to integrate the
13 provision of services to provide continuity of care through all phases
14 of treatment. To this end the legislature intends to promote active
15 engagement with mentally ill persons and collaboration between families
16 and service providers.

17 **Sec. 2.** RCW 71.24.025 and 2001 c 323 s 8 are each amended to read
18 as follows:

19 Unless the context clearly requires otherwise, the definitions in
20 this section apply throughout this chapter.

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

23 (a) A mental disorder as defined in RCW 71.05.020 or, in the case
24 of a child, as defined in RCW 71.34.020;

25 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the
26 case of a child, a gravely disabled minor as defined in RCW 71.34.020;
27 or

28 (c) Presenting a likelihood of serious harm as defined in RCW
29 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

30 (2) "Advocate" means family members of consumers, members of
31 consumer controlled organizations, or members of family member
32 controlled organizations.

33 (3) "Available resources" means funds appropriated for the purpose
34 of providing community mental health programs under RCW 71.24.045,
35 federal funds, except those provided according to Title XIX of the
36 Social Security Act, and state funds appropriated under this chapter or
37 chapter 71.05 RCW by the legislature during any biennium for the

1 purpose of providing residential services, resource management
2 services, community support services, and other mental health services.
3 This does not include funds appropriated for the purpose of operating
4 and administering the state psychiatric hospitals, except as negotiated
5 according to RCW 71.24.300(1)(e).

6 ~~((+3))~~ (4) "Child" means a person under the age of eighteen years.

7 ~~((+4))~~ (5) "Chronically mentally ill adult" means an adult who has
8 a mental disorder and meets at least one of the following criteria:

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

11 (b) Has experienced a continuous psychiatric hospitalization or
12 residential treatment exceeding six months' duration within the
13 preceding year; or

14 (c) Has been unable to engage in any substantial gainful activity
15 by reason of any mental disorder which has lasted for a continuous
16 period of not less than twelve months. "Substantial gainful activity"
17 shall be defined by the department by rule consistent with Public Law
18 92-603, as amended.

19 ~~((+5))~~ (6) "Community mental health program" means all mental
20 health services, activities, or programs using available resources.

21 ~~((+6))~~ (7) "Community mental health service delivery system" means
22 public or private agencies that provide services specifically to
23 persons with mental disorders as defined under RCW 71.05.020 and
24 receive funding from public sources.

25 ~~((+7))~~ (8) "Community support services" means services authorized,
26 planned, and coordinated through resource management services
27 including, at a minimum, assessment, diagnosis, emergency crisis
28 intervention available twenty-four hours, seven days a week,
29 prescreening determinations for mentally ill persons being considered
30 for placement in nursing homes as required by federal law, screening
31 for patients being considered for admission to residential services,
32 diagnosis and treatment for acutely mentally ill and severely
33 emotionally disturbed children discovered under screening through the
34 federal Title XIX early and periodic screening, diagnosis, and
35 treatment program, investigation, legal, and other nonresidential
36 services under chapter 71.05 RCW, case management services, psychiatric
37 treatment including medication supervision, counseling, psychotherapy,

1 assuring transfer of relevant patient information between service
2 providers, and other services determined by regional support networks.

3 ~~((+8))~~ (9) "Consumer" or "mental health consumer" means a person
4 who has applied for, is eligible for, or who has received mental health
5 services. For a child under the age of thirteen, or for a child age
6 thirteen or older whose parents or legal guardians are involved in the
7 treatment plan, the definition of consumer includes parents or legal
8 guardians.

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

14 ~~((+9))~~ (11) "Department" means the department of social and health
15 services.

16 ~~((+10))~~ (12) "Licensed service provider" means an entity licensed
17 according to this chapter or chapter 71.05 RCW or an entity deemed to
18 meet state minimum standards as a result of accreditation by a
19 recognized behavioral health accrediting body recognized and having a
20 current agreement with the department, that meets state minimum
21 standards or individuals licensed under chapter 18.57, 18.71, 18.83, or
22 18.79 RCW, as it applies to registered nurses and advanced registered
23 nurse practitioners.

24 ~~((+11))~~ (13) "Mental health services" means all services provided
25 by regional support networks and other services provided by the state
26 for the mentally ill.

27 ~~((+12))~~ (14) "Mentally ill persons" and "the mentally ill" mean
28 persons and conditions defined in subsections (1), ~~((+4))~~ (5),
29 ~~((+17))~~ (19), and ~~((+18))~~ (20) of this section.

30 ~~((+13))~~ (15) "Regional support network" means a county authority
31 or group of county authorities recognized by the secretary that enter
32 into joint operating agreements to contract with the secretary pursuant
33 to this chapter.

34 ~~((+14))~~ (16) "Residential services" means a complete range of
35 residences and supports authorized by resource management services and
36 which may involve a facility, a distinct part thereof, or services
37 which support community living, for acutely mentally ill persons,
38 chronically mentally ill adults, severely emotionally disturbed

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

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

27 ~~((+16))~~ (18) "Secretary" means the secretary of social and health
28 services.

29 ~~((+17))~~ (19) "Seriously disturbed person" means a person who:

30 (a) Is gravely disabled or presents a likelihood of serious harm to
31 himself or herself or others, or to the property of others, as a result
32 of a mental disorder as defined in chapter 71.05 RCW;

33 (b) Has been on conditional release status, or under a less
34 restrictive alternative order, at some time during the preceding two
35 years from an evaluation and treatment facility or a state mental
36 health hospital;

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

1 (d) Exhibits suicidal preoccupation or attempts; or

2 (e) Is a child diagnosed by a mental health professional, as
3 defined in chapter 71.34 RCW, as experiencing a mental disorder which
4 is clearly interfering with the child's functioning in family or school
5 or with peers or is clearly interfering with the child's personality
6 development and learning.

7 ((+18+)) (20) "Severely emotionally disturbed child" means a child
8 who has been determined by the regional support network to be
9 experiencing a mental disorder as defined in chapter 71.34 RCW,
10 including those mental disorders that result in a behavioral or conduct
11 disorder, that is clearly interfering with the child's functioning in
12 family or school or with peers and who meets at least one of the
13 following criteria:

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

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

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

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

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

24 (ii) Changes in custodial adult;

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

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

30 (v) Drug or alcohol abuse; or

31 (vi) Homelessness.

32 ((+19+)) (21) "State minimum standards" means minimum requirements
33 established by rules adopted by the secretary and necessary to
34 implement this chapter for: (a) Delivery of mental health services;
35 (b) licensed service providers for the provision of mental health
36 services; (c) residential services; and (d) community support services
37 and resource management services.

1 (~~(+20+)~~) (22) "Tribal authority," for the purposes of this section
2 and RCW 71.24.300 only, means: The federally recognized Indian tribes
3 and the major Indian organizations recognized by the secretary insofar
4 as these organizations do not have a financial relationship with any
5 regional support network that would present a conflict of interest.

6 **Sec. 3.** RCW 71.24.300 and 2001 c 323 s 17 are each amended to read
7 as follows:

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

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

32 (a) Administer and provide for the availability of all resource
33 management services, residential services, and community support
34 services.

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

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

4 (d) Provide within the boundaries of each regional support network
5 evaluation and treatment services for at least eighty-five percent of
6 persons detained or committed for periods up to seventeen days
7 according to chapter 71.05 RCW. Regional support networks with
8 populations of less than one hundred fifty thousand may contract to
9 purchase evaluation and treatment services from other networks.
10 Insofar as the original intent of serving persons in the community is
11 maintained, the secretary is authorized to approve exceptions on a
12 case-by-case basis to the requirement to provide evaluation and
13 treatment services within the boundaries of each regional support
14 network. Such exceptions are limited to contracts with neighboring or
15 contiguous regions.

16 (e) Administer a portion of funds appropriated by the legislature
17 to house mentally ill persons in state institutions from counties
18 within the boundaries of any regional support network, with the
19 exception of persons currently confined at, or under the supervision
20 of, a state mental hospital pursuant to chapter 10.77 RCW, and provide
21 for the care of all persons needing evaluation and treatment services
22 for periods up to seventeen days according to chapter 71.05 RCW in
23 appropriate residential services, which may include state institutions.
24 The regional support networks shall reimburse the state for use of
25 state institutions at a rate equal to that assumed by the legislature
26 when appropriating funds for such care at state institutions during the
27 biennium when reimbursement occurs. The secretary shall submit a
28 report to the appropriate committees of the senate and house of
29 representatives on the efforts to implement this section by October 1,
30 2002. The duty of a state hospital to accept persons for evaluation
31 and treatment under chapter 71.05 RCW is limited by the
32 responsibilities assigned to regional support networks under this
33 section.

34 (f) Administer and provide for the availability of all other mental
35 health services, which shall include patient counseling, day treatment,
36 consultation, education services, employment services as defined in RCW
37 71.24.035, and mental health services to children as provided in this

1 chapter designed to achieve the outcomes specified in section 5 of this
2 act.

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

6 (2) Regional support networks shall assume all duties assigned to
7 county authorities by this chapter and chapter 71.05 RCW. The regional
8 support networks, or its designee, shall provide services operated or
9 staffed by consumers or advocates.

10 (a) The department shall not require a consumer or advocate-run
11 service to maintain licensure under this chapter if the service is
12 nonclinical. If a service is clinical, the service shall comply with
13 the requirements for licensed services in this chapter.

14 (b) Consumer or advocate-run and staffed services may include, but
15 are not limited to:

16 (i) Consumer and/or advocate-operated businesses;

17 (ii) Clubhouses, such as the Fountain House model;

18 (iii) Crisis services;

19 (iv) Advocacy and referral services;

20 (v) Vocational and employment services;

21 (vi) Self-help and peer counseling and support groups;

22 (vii) Community presence in state hospitals; and

23 (viii) Mental health advance directive training.

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

31 (4) Each regional support network shall appoint a mental health
32 advisory board which shall review and provide comments on plans and
33 policies developed under this chapter. The composition of the board
34 shall be broadly representative of the demographic character of the
35 region and the mentally ill persons served therein. Length of terms of
36 board members shall be determined by the regional support network.

37 (5) Regional support networks shall assume all duties specified in

1 their plans and joint operating agreements through biennial contractual
2 agreements with the secretary.

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

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

12 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2004.

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