
SENATE BILL 5644

State of Washington 60th Legislature 2007 Regular Session

By Senators Regala, Brandland, Hargrove, Keiser, Pridemore and Delvin

Read first time 01/26/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to clubhouse rehabilitation services; and amending
2 RCW 71.24.025, 71.24.037, and 49.19.010.

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

4 **Sec. 1.** RCW 71.24.025 and 2006 c 333 s 104 are each amended to
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

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

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

12 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the
13 case of a child, a gravely disabled minor as defined in RCW 71.34.020;
14 or

15 (c) Presenting a likelihood of serious harm as defined in RCW
16 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

17 (2) "Available resources" means funds appropriated for the purpose
18 of providing community mental health programs, federal funds, except
19 those provided according to Title XIX of the Social Security Act, and

1 state funds appropriated under this chapter or chapter 71.05 RCW by the
2 legislature during any biennium for the purpose of providing
3 residential services, resource management services, community support
4 services, and other mental health services. This does not include
5 funds appropriated for the purpose of operating and administering the
6 state psychiatric hospitals.

7 (3) "Child" means a person under the age of eighteen years.

8 (4) "Chronically mentally ill adult" or "adult who is chronically
9 mentally ill" means an adult who has a mental disorder and meets at
10 least one of the following criteria:

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

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

16 (c) Has been unable to engage in any substantial gainful activity
17 by reason of any mental disorder which has lasted for a continuous
18 period of not less than twelve months. "Substantial gainful activity"
19 shall be defined by the department by rule consistent with Public Law
20 92-603, as amended.

21 (5) "Clubhouse" means a community-based program that provides
22 rehabilitation services and is certified by the international center
23 for clubhouse development.

24 (6) "Community mental health program" means all mental health
25 services, activities, or programs using available resources.

26 ((+6+)) (7) "Community mental health service delivery system" means
27 public or private agencies that provide services specifically to
28 persons with mental disorders as defined under RCW 71.05.020 and
29 receive funding from public sources.

30 ((+7+)) (8) "Community support services" means services authorized,
31 planned, and coordinated through resource management services
32 including, at a minimum, assessment, diagnosis, emergency crisis
33 intervention available twenty-four hours, seven days a week,
34 prescreening determinations for persons who are mentally ill
35 ((persons)) being considered for placement in nursing homes as required
36 by federal law, screening for patients being considered for admission
37 to residential services, diagnosis and treatment for children who are
38 acutely mentally ill ((and)) or severely emotionally disturbed

1 ((children)) discovered under screening through the federal Title XIX
2 early and periodic screening, diagnosis, and treatment program,
3 investigation, legal, and other nonresidential services under chapter
4 71.05 RCW, case management services, psychiatric treatment including
5 medication supervision, counseling, psychotherapy, assuring transfer of
6 relevant patient information between service providers, recovery
7 services, and other services determined by regional support networks.

8 ((+8)) (9) "Consensus-based" means a program or practice that has
9 general support among treatment providers and experts, based on
10 experience or professional literature, and may have anecdotal or case
11 study support, or that is agreed but not possible to perform studies
12 with random assignment and controlled groups.

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

18 ((+10)) (11) "Department" means the department of social and
19 health services.

20 ((+11)) (12) "Designated mental health professional" means a
21 mental health professional designated by the county or other authority
22 authorized in rule to perform the duties specified in this chapter.

23 ((+12)) (13) "Emerging best practice" or "promising practice"
24 means a practice that presents, based on preliminary information,
25 potential for becoming a research-based or consensus-based practice.

26 ((+13)) (14) "Evidence-based" means a program or practice that has
27 had multiple site random controlled trials across heterogeneous
28 populations demonstrating that the program or practice is effective for
29 the population.

30 ((+14)) (15) "Licensed service provider" means an entity licensed
31 according to this chapter or chapter 71.05 RCW or an entity deemed to
32 meet state minimum standards as a result of accreditation by a
33 recognized behavioral health accrediting body recognized and having a
34 current agreement with the department, that meets state minimum
35 standards or persons licensed under chapter 18.57, 18.71, 18.83, or
36 18.79 RCW, as it applies to registered nurses and advanced registered
37 nurse practitioners.

1 (~~(15)~~) (16) "Long-term inpatient care" means inpatient services
2 for persons committed for, or voluntarily receiving intensive treatment
3 for, periods of ninety days or greater under chapter 71.05 RCW. "Long-
4 term inpatient care" as used in this chapter does not include: (a)
5 Services for individuals committed under chapter 71.05 RCW who are
6 receiving services pursuant to a conditional release or a court-ordered
7 less restrictive alternative to detention; or (b) services for
8 individuals voluntarily receiving less restrictive alternative
9 treatment on the grounds of the state hospital.

10 (~~(16)~~) (17) "Mental health services" means all services provided
11 by regional support networks and other services provided by the state
12 for (~~the~~) persons who are mentally ill.

13 (~~(17)~~) (18) "Mentally ill persons," "persons who are mentally
14 ill," and "the mentally ill" mean persons and conditions defined in
15 subsections (1), (4), (~~(26)~~) (27), and (~~(27)~~) (28) of this section.

16 (~~(18)~~) (19) "Recovery" means the process in which people are able
17 to live, work, learn, and participate fully in their communities.

18 (~~(19)~~) (20) "Regional support network" means a county authority
19 or group of county authorities or other nonprofit entity recognized by
20 the secretary in contract in a defined region.

21 (~~(20)~~) (21) "Registration records" include all the records of the
22 department, regional support networks, treatment facilities, and other
23 persons providing services to the department, county departments, or
24 facilities which identify persons who are receiving or who at any time
25 have received services for mental illness.

26 (~~(21)~~) (22) "Research-based" means a program or practice that has
27 some research demonstrating effectiveness, but that does not yet meet
28 the standard of evidence-based practices.

29 (~~(22)~~) (23) "Residential services" means a complete range of
30 residences and supports authorized by resource management services and
31 which may involve a facility, a distinct part thereof, or services
32 which support community living, for persons who are acutely mentally
33 ill (~~persons~~), adults who are chronically mentally ill (~~adults~~),
34 children who are severely emotionally disturbed (~~children~~), or adults
35 who are seriously disturbed (~~adults~~) and determined by the regional
36 support network to be at risk of becoming acutely or chronically
37 mentally ill. The services shall include at least evaluation and
38 treatment services as defined in chapter 71.05 RCW, acute crisis

1 respite care, long-term adaptive and rehabilitative care, and
2 supervised and supported living services, and shall also include any
3 residential services developed to service persons who are mentally ill
4 (~~persons~~) in nursing homes, boarding homes, and adult family homes,
5 and may include outpatient services provided as an element in a package
6 of services in a supported housing model. Residential services for
7 children in out-of-home placements related to their mental disorder
8 shall not include the costs of food and shelter, except for children's
9 long-term residential facilities existing prior to January 1, 1991.

10 ~~((+23))~~ (24) "Resilience" means the personal and community
11 qualities that enable individuals to rebound from adversity, trauma,
12 tragedy, threats, or other stresses, and to live productive lives.

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

31 ~~((+25))~~ (26) "Secretary" means the secretary of social and health
32 services.

33 ~~((+26))~~ (27) "Seriously disturbed person" means a person who:
34 (a) Is gravely disabled or presents a likelihood of serious harm to
35 himself or herself or others, or to the property of others, as a result
36 of a mental disorder as defined in chapter 71.05 RCW;
37 (b) Has been on conditional release status, or under a less

1 restrictive alternative order, at some time during the preceding two
2 years from an evaluation and treatment facility or a state mental
3 health hospital;

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

6 (d) Exhibits suicidal preoccupation or attempts; or

7 (e) Is a child diagnosed by a mental health professional, as
8 defined in chapter 71.34 RCW, as experiencing a mental disorder which
9 is clearly interfering with the child's functioning in family or school
10 or with peers or is clearly interfering with the child's personality
11 development and learning.

12 ((+27)) (28) "Severely emotionally disturbed child" or "child who
13 is severely emotionally disturbed" means a child who has been
14 determined by the regional support network to be experiencing a mental
15 disorder as defined in chapter 71.34 RCW, including those mental
16 disorders that result in a behavioral or conduct disorder, that is
17 clearly interfering with the child's functioning in family or school or
18 with peers and who meets at least one of the following criteria:

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

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

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

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

27 (i) Chronic family dysfunction involving a caretaker who is
28 mentally ill or inadequate (~~caretaker~~);

29 (ii) Changes in custodial adult;

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

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

35 (v) Drug or alcohol abuse; or

36 (vi) Homelessness.

37 ((+28)) (29) "State minimum standards" means minimum requirements
38 established by rules adopted by the secretary and necessary to

1 implement this chapter for: (a) Delivery of mental health services;
2 (b) licensed service providers for the provision of mental health
3 services; (c) residential services; and (d) community support services
4 and resource management services.

5 ~~((+29+))~~ (30) "Treatment records" include registration and all
6 other records concerning persons who are receiving or who at any time
7 have received services for mental illness, which are maintained by the
8 department, by regional support networks and their staffs, and by
9 treatment facilities. Treatment records do not include notes or
10 records maintained for personal use by a person providing treatment
11 services for the department, regional support networks, or a treatment
12 facility if the notes or records are not available to others.

13 ~~((+30+))~~ (31) "Tribal authority," for the purposes of this section
14 and RCW 71.24.300 only, means: The federally recognized Indian tribes
15 and the major Indian organizations recognized by the secretary insofar
16 as these organizations do not have a financial relationship with any
17 regional support network that would present a conflict of interest.

18 **Sec. 2.** RCW 71.24.037 and 2001 c 323 s 11 are each amended to read
19 as follows:

20 (1) The secretary shall by rule establish state minimum standards
21 for licensed service providers and services.

22 (2) Minimum standards for licensed service providers shall, at a
23 minimum, establish: Qualifications for staff providing services
24 directly to ~~((mentally ill))~~ persons who are mentally ill, the intended
25 result of each service, and the rights and responsibilities of persons
26 receiving mental health services pursuant to this chapter. The
27 secretary shall provide for deeming of licensed service providers as
28 meeting state minimum standards as a result of accreditation by a
29 recognized behavioral health accrediting body recognized and having a
30 current agreement with the department.

31 (3) Minimum standards for community support services and resource
32 management services shall include at least qualifications for resource
33 management services, client tracking systems, and the transfer of
34 patient information between service providers.

35 (4) Minimum standards for clubhouses shall include certification by
36 the international center for clubhouse development.

1 **Sec. 3.** RCW 49.19.010 and 2000 c 94 s 18 are each amended to read
2 as follows:

3 For purposes of this chapter:

4 (1) "Health care setting" means:

5 (a) Hospitals as defined in RCW 70.41.020;

6 (b) Home health, hospice, and home care agencies under chapter
7 70.127 RCW, subject to RCW 49.19.070;

8 (c) Evaluation and treatment facilities as defined in RCW
9 71.05.020(~~(+12)~~); and

10 (d) Community mental health programs as defined in RCW
11 71.24.025(~~(+5)~~).

12 (2) "Department" means the department of labor and industries.

13 (3) "Employee" means an employee as defined in RCW 49.17.020.

14 (4) "Violence" or "violent act" means any physical assault or
15 verbal threat of physical assault against an employee of a health care
16 setting.

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