

**E2SHB 2639** - S COMM AMD

By Committee on Human Services & Corrections

1       Strike everything after the enacting clause and insert the  
2 following:

3       "**Sec. 1.** 2013 c 338 s 1 (uncodified) is amended to read as  
4 follows:

5       (1)(a) Beginning (~~May~~) April 1, 2014, the legislature shall  
6 convene a task force to examine reform of the adult behavioral health  
7 system, with voting members as provided in this subsection.

8       (i) The president of the senate shall appoint one member from each  
9 of the two largest caucuses of the senate.

10       (ii) The speaker of the house of representatives shall appoint one  
11 member from each of the two largest caucuses in the house of  
12 representatives.

13       (iii) The governor shall appoint five members consisting of the  
14 secretary of the department of social and health services or the  
15 secretary's designee, the director of the health care authority or the  
16 director's designee, the director of the office of financial management  
17 or the director's designee, the secretary of the department of  
18 corrections or the secretary's designee, and a representative of the  
19 governor.

20       (iv) The Washington state association of counties shall appoint  
21 three members.

22       (v) The governor shall request participation by a representative of  
23 tribal governments.

24       (b) The task force shall choose two cochairs from among its  
25 legislative members.

26       (c) The task force shall adopt a bottom-up approach and welcome  
27 input and participation from all stakeholders interested in the  
28 improvement of the adult behavioral health system. To that end, the  
29 task force must invite participation from, at a minimum, the following:  
30 Behavioral health service recipients and their families; local

1 government; representatives of regional support networks;  
2 representatives of county coordinators; law enforcement; city and  
3 county jails; tribal representatives; behavioral health service  
4 providers; housing providers; labor representatives; counties with  
5 state hospitals; mental health advocates; public defenders with  
6 involuntary mental health commitment or mental health court experience;  
7 medicaid managed care plan representatives; long-term care service  
8 providers; the Washington state hospital association; and individuals  
9 with expertise in evidence-based and research-based behavioral health  
10 service practices. Leadership of subcommittees formed by the task  
11 force may be drawn from this body of invited participants.

12 (2) The task force shall undertake a systemwide review of the adult  
13 behavioral health system and make recommendations for reform  
14 concerning, but not limited to, the following:

15 (a) The means by which services are purchased and delivered for  
16 adults with mental illness and chemical dependency disorders through  
17 the department of social and health services and the health care  
18 authority, including:

19 (i) Advice concerning the proposal for the creation of common  
20 regional service areas for purchasing behavioral health and medical  
21 care services by the department and the authority, taking into  
22 consideration any proposal submitted by the Washington state  
23 association of counties under section 2 of this act;

24 (ii) Recommendations related to the design and requirements of  
25 future medicaid behavioral health and health care delivery systems and  
26 purchasing;

27 (iii) Advice regarding state interactions with the federal centers  
28 for medicare and medicaid services regarding Washington state's method  
29 of purchasing medicaid mental health services, provided that the  
30 federal centers provide written guidance to Washington detailing their  
31 rationale for changing state purchasing; and

32 (iv) Whether a statewide behavioral health ombuds office should be  
33 created;

34 (b) Availability of effective means to promote recovery and prevent  
35 harm associated with mental illness;

36 (c) Crisis services, including boarding of mental health patients  
37 outside of regularly certified treatment beds;

1 (d) Best practices for cross-system collaboration between  
2 behavioral health treatment providers, medical care providers, long-  
3 term care service providers, entities providing health home services to  
4 high-risk medicaid clients, law enforcement, and criminal justice  
5 agencies; and

6 (e) Public safety practices involving persons with mental illness  
7 with forensic involvement.

8 (3) Staff support for the task force must be provided by the senate  
9 committee services and the house of representatives office of program  
10 research.

11 (4) Legislative members of the task force must be reimbursed for  
12 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
13 members, except those representing an employer or organization, are  
14 entitled to be reimbursed for travel expenses in accordance with RCW  
15 43.03.050 and 43.03.060.

16 (5) The expenses of the task force must be paid jointly by the  
17 senate and house of representatives. Task force expenditures are  
18 subject to approval by the senate facilities and operations committee  
19 and the house of representatives executive rules committee, or their  
20 successor committees.

21 (6) The task force shall report its findings and recommendations to  
22 the governor and the appropriate committees of the legislature by  
23 January 1, 2015, except that recommendations under subsection (2)(a)(i)  
24 through (iii) of this section must be submitted to the governor by  
25 October 1, 2014.

26 (7) This section expires June 1, 2015.

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

29 (1) If establishment of regional service areas is recommended by  
30 the adult behavioral health system task force established in section 1,  
31 chapter 338, Laws of 2013, the department and the health care authority  
32 may jointly establish regional service areas by March 1, 2015, or at an  
33 earlier date agreed to by the department, the health care authority,  
34 and the Washington association of counties, as provided in this  
35 section.

36 (2) Counties, through the Washington state association of counties,

1 must be given the opportunity to propose the composition of regional  
2 service areas. Each service area must:

3 (a) Include a sufficient number of medicaid lives to support full  
4 financial risk managed care contracting for services included in  
5 contracts with the department or the health care authority;

6 (b) Include full counties that are contiguous with one another; and

7 (c) Reflect natural medical and behavioral health service referral  
8 patterns and shared clinical, health care service, behavioral health  
9 service, and behavioral health crisis response resources.

10 (3) The Washington state association of counties may submit its  
11 recommendations to the department, the health care authority, and the  
12 task force described in section 1 of this act on or before September 1,  
13 2014.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20A RCW  
15 to read as follows:

16 (1) Any agreement or contract by the department or the health care  
17 authority to provide behavioral health services as defined under RCW  
18 71.24.025 to persons eligible for benefits under medicaid, Title XIX of  
19 the social security act, and to persons not eligible for medicaid must  
20 include the following:

21 (a) Contractual provisions consistent with the intent expressed in  
22 RCW 71.24.015, 71.36.005, 70.96A.010, and 70.96A.011;

23 (b) Standards regarding the quality of services to be provided,  
24 including increased use of evidence-based, research-based, and  
25 promising practices, as defined in RCW 71.24.025;

26 (c) Accountability for the client outcomes established in RCW  
27 43.20A.895 and 71.36.025 and performance measures linked to those  
28 outcomes;

29 (d) Standards requiring regional support networks to maintain a  
30 network of appropriate providers that is supported by written  
31 agreements sufficient to provide adequate access to all services  
32 covered under the contract with the department or the health care  
33 authority and to protect essential existing behavioral health system  
34 infrastructure and capacity;

35 (e) Standards requiring the use of behavioral health service  
36 provider reimbursement methods that incentivize improved performance  
37 with respect to the client outcomes established in RCW 43.20A.895 and

1 71.36.025, integration of behavioral health and primary care services  
2 at the clinical level, and improved care coordination for individuals  
3 with complex care needs;

4 (f) Standards related to the financial integrity of the responding  
5 organization. The department shall adopt rules establishing the  
6 solvency requirements and other financial integrity standards for  
7 regional support networks. This subsection does not limit the  
8 authority of the department to take action under a contract upon  
9 finding that a regional support network's financial status seriously  
10 jeopardizes the organization's ability to meet its contractual  
11 obligations;

12 (g) Mechanisms for monitoring performance under the contract and  
13 remedies for failure to substantially comply with the requirements of  
14 the contract including, but not limited to, financial penalties,  
15 termination of the contract, receivership, and reprocurement of the  
16 contract;

17 (h) Provisions to maintain the decision-making independence of  
18 designated mental health professionals; and

19 (i) Provisions stating that public funds appropriated by the  
20 legislature may not be used to promote or deter, encourage, or  
21 discourage employees from exercising their rights under Title 29,  
22 chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

23 (2) The following factors must be given significant weight in any  
24 purchasing process:

25 (a) Demonstrated commitment and experience in serving low-income  
26 populations;

27 (b) Demonstrated commitment and experience serving persons who have  
28 severe mental illness or chemical dependency;

29 (c) Demonstrated commitment to and experience with partnerships  
30 with county and municipal criminal justice systems, housing services,  
31 and other critical support services necessary to achieve the outcomes  
32 established in RCW 43.20A.895 and 71.36.025;

33 (d) Recognition that meeting enrollees' physical and behavioral  
34 health care needs is a shared responsibility of contracted regional  
35 support networks, managed health care systems, service providers, the  
36 state, and communities, and that the delivery of better integrated,  
37 person-centered care requires the full spectrum of an individual's  
38 health care needs be addressed;

1 (e) Consideration of past and current performance and participation  
2 in other state or federal behavioral health programs as a contractor;  
3 and

4 (f) The ability to meet requirements established by the department.

5 (3) For purposes of purchasing behavioral health services and  
6 medical care services for persons eligible for benefits under medicaid,  
7 Title XIX of the social security act and for persons not eligible for  
8 medicaid, the department and the health care authority must use common  
9 regional service areas. The regional service areas must be established  
10 by the department and the health care authority as provided in section  
11 2 of this act.

12 (4) Consideration must be given to using multiple-year contracting  
13 periods.

14 **Sec. 4.** RCW 71.24.015 and 2005 c 503 s 1 are each amended to read  
15 as follows:

16 It is the intent of the legislature to establish a community mental  
17 health program which shall help people experiencing mental illness to  
18 retain a respected and productive position in the community. This will  
19 be accomplished through programs that focus on resilience and recovery,  
20 and practices that are evidence-based, research-based, consensus-based,  
21 or, where these do not exist, promising or emerging best practices,  
22 which provide for:

23 (1) Access to mental health services for adults (~~(of the state who~~  
24 ~~are acutely mentally ill, chronically mentally ill,)) with acute mental  
25 illness, chronic mental illness, or who are seriously disturbed and  
26 children (~~(of the state who are acutely mentally ill)) with acute  
27 mental illness, or who are severely emotionally disturbed, or seriously  
28 disturbed, which services recognize the special needs of underserved  
29 populations, including minorities, children, the elderly, (~~(disabled))~~  
30 individuals with disabilities, and low-income persons. Access to  
31 mental health services shall not be limited by a person's history of  
32 confinement in a state, federal, or local correctional facility. It is  
33 also the purpose of this chapter to promote the early identification of  
34 (~~(mentally ill))~~ children with mental illness and to ensure that they  
35 receive the mental health care and treatment which is appropriate to  
36 their developmental level. This care should improve home, school, and  
37 community functioning, maintain children in a safe and nurturing home~~~~

1 environment, and should enable treatment decisions to be made in  
2 response to clinical needs in accordance with sound professional  
3 judgment while also recognizing parents' rights to participate in  
4 treatment decisions for their children;

5 (2) The involvement of persons with mental illness, their family  
6 members, and advocates in designing and implementing mental health  
7 services that reduce unnecessary hospitalization and incarceration and  
8 promote the recovery and employment of persons with mental illness. To  
9 improve the quality of services available and promote the  
10 rehabilitation, recovery, and reintegration of persons with mental  
11 illness, consumer and advocate participation in mental health services  
12 is an integral part of the community mental health system and shall be  
13 supported;

14 (3) Accountability of efficient and effective services through  
15 state-of-the-art outcome and performance measures and statewide  
16 standards for monitoring client and system outcomes, performance, and  
17 reporting of client and system outcome information. These processes  
18 shall be designed so as to maximize the use of available resources for  
19 direct care of people with a mental illness and to assure uniform data  
20 collection across the state;

21 (4) Minimum service delivery standards;

22 (5) Priorities for the use of available resources for the care of  
23 ~~((the mentally ill))~~ individuals with mental illness consistent with  
24 the priorities defined in the statute;

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

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

36 It is the policy of the state to encourage the provision of a full  
37 range of treatment and rehabilitation services in the state for mental  
38 disorders including services operated by consumers and advocates. The

1 legislature intends to encourage the development of regional mental  
2 health services with adequate local flexibility to assure eligible  
3 people in need of care access to the least-restrictive treatment  
4 alternative appropriate to their needs, and the availability of  
5 treatment components to assure continuity of care. To this end,  
6 counties (~~(are encouraged to)~~) must enter into joint operating  
7 agreements with other counties to form regional systems of care that  
8 are consistent with the regional service areas established under  
9 section 2 of this act. Regional systems of care, whether operated by  
10 a county, group of counties, or another entity shall integrate  
11 planning, administration, and service delivery duties under chapters  
12 71.05 and 71.24 RCW to consolidate administration, reduce  
13 administrative layering, and reduce administrative costs. The  
14 legislature hereby finds and declares that sound fiscal management  
15 requires vigilance to ensure that funds appropriated by the legislature  
16 for the provision of needed community mental health programs and  
17 services are ultimately expended solely for the purpose for which they  
18 were appropriated, and not for any other purpose.

19 It is further the intent of the legislature to integrate the  
20 provision of services to provide continuity of care through all phases  
21 of treatment. To this end, the legislature intends to promote active  
22 engagement with (~~(mentally ill)~~) persons with mental illness and  
23 collaboration between families and service providers.

24 **Sec. 5.** RCW 71.24.016 and 2006 c 333 s 102 are each amended to  
25 read as follows:

26 (1) The legislature intends that eastern and western state  
27 hospitals shall operate as clinical centers for handling the most  
28 complicated long-term care needs of patients with a primary diagnosis  
29 of mental disorder. It is further the intent of the legislature that  
30 the community mental health service delivery system focus on  
31 maintaining (~~(mentally ill)~~) individuals with mental illness in the  
32 community. The program shall be evaluated and managed through a  
33 limited number of outcome and performance measures (~~(designed to hold~~  
34 ~~each regional support network accountable for program success)~~), as  
35 provided in RCW 43.20A.895 and 71.36.025.

36 (2) The legislature intends to address the needs of people with  
37 mental disorders with a targeted, coordinated, and comprehensive set of



1 evidence-based practices that are effective in serving individuals in  
2 their community and will reduce the need for placements in state mental  
3 hospitals. The legislature further intends to explicitly hold regional  
4 support networks accountable for serving people with mental disorders  
5 within the boundaries of their (~~geographic boundaries~~) procurement  
6 regions and for not exceeding their allocation of state hospital beds.  
7 Within funds appropriated by the legislature for this purpose, regional  
8 support networks shall develop the means to serve the needs of people  
9 with mental disorders within (~~their geographic~~) the boundaries of  
10 their procurement region. Elements of the program may include:

- 11 (a) Crisis (~~triage~~) diversion services;
- 12 (b) Evaluation and treatment and community hospital beds;
- 13 (c) Residential beds;
- 14 (d) Programs for community treatment teams; (~~and~~)
- 15 (e) Outpatient services;
- 16 (f) Peer support services;
- 17 (g) Community support services;
- 18 (h) Resource management services; and
- 19 (i) Supported housing and supported employment services.

20 (3) The regional support network shall have the flexibility, within  
21 the funds appropriated by the legislature for this purpose and the  
22 terms of their contract, to design the mix of services that will be  
23 most effective within their service area of meeting the needs of people  
24 with mental disorders and avoiding placement of such individuals at the  
25 state mental hospital. Regional support networks are encouraged to  
26 maximize the use of evidence-based practices and alternative resources  
27 with the goal of substantially reducing and potentially eliminating the  
28 use of institutions for mental diseases.

29 **Sec. 6.** RCW 71.24.025 and 2013 c 338 s 5 are each amended to read  
30 as follows:

31 Unless the context clearly requires otherwise, the definitions in  
32 this section apply throughout this chapter.

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

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

1 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the  
2 case of a child, a gravely disabled minor as defined in RCW 71.34.020;  
3 or

4 (c) Presenting a likelihood of serious harm as defined in RCW  
5 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

6 (2) "Available resources" means funds appropriated for the purpose  
7 of providing community mental health programs, federal funds, except  
8 those provided according to Title XIX of the Social Security Act, and  
9 state funds appropriated under this chapter or chapter 71.05 RCW by the  
10 legislature during any biennium for the purpose of providing  
11 residential services, resource management services, community support  
12 services, and other mental health services. This does not include  
13 funds appropriated for the purpose of operating and administering the  
14 state psychiatric hospitals.

15 (3) "Behavioral health services" means mental health services as  
16 described in this chapter and chemical dependency treatment services as  
17 described in chapter 70.96A RCW.

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

19 ((+4)) (5) "Chronically mentally ill adult" or "adult who is  
20 chronically mentally ill" means an adult who has a mental disorder and  
21 meets at least one of the following criteria:

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

24 (b) Has experienced a continuous psychiatric hospitalization or  
25 residential treatment exceeding six months' duration within the  
26 preceding year; or

27 (c) Has been unable to engage in any substantial gainful activity  
28 by reason of any mental disorder which has lasted for a continuous  
29 period of not less than twelve months. "Substantial gainful activity"  
30 shall be defined by the department by rule consistent with Public Law  
31 92-603, as amended.

32 ((+5)) (6) "Clubhouse" means a community-based program that  
33 provides rehabilitation services and is certified by the department of  
34 social and health services.

35 ((+6)) (7) "Community mental health program" means all mental  
36 health services, activities, or programs using available resources.

37 ((+7)) (8) "Community mental health service delivery system" means

1 public or private agencies that provide services specifically to  
2 persons with mental disorders as defined under RCW 71.05.020 and  
3 receive funding from public sources.

4 ~~((+8+))~~ (9) "Community support services" means services authorized,  
5 planned, and coordinated through resource management services  
6 including, at a minimum, assessment, diagnosis, emergency crisis  
7 intervention available twenty-four hours, seven days a week,  
8 prescreening determinations for persons who are mentally ill being  
9 considered for placement in nursing homes as required by federal law,  
10 screening for patients being considered for admission to residential  
11 services, diagnosis and treatment for children who are acutely mentally  
12 ill or severely emotionally disturbed discovered under screening  
13 through the federal Title XIX early and periodic screening, diagnosis,  
14 and treatment program, investigation, legal, and other nonresidential  
15 services under chapter 71.05 RCW, case management services, psychiatric  
16 treatment including medication supervision, counseling, psychotherapy,  
17 assuring transfer of relevant patient information between service  
18 providers, recovery services, and other services determined by regional  
19 support networks.

20 ~~((+9+))~~ (10) "Consensus-based" means a program or practice that has  
21 general support among treatment providers and experts, based on  
22 experience or professional literature, and may have anecdotal or case  
23 study support, or that is agreed but not possible to perform studies  
24 with random assignment and controlled groups.

25 ~~((+10+))~~ (11) "County authority" means the board of county  
26 commissioners, county council, or county executive having authority to  
27 establish a community mental health program, or two or more of the  
28 county authorities specified in this subsection which have entered into  
29 an agreement to provide a community mental health program.

30 ~~((+11+))~~ (12) "Department" means the department of social and  
31 health services.

32 ~~((+12+))~~ (13) "Designated mental health professional" means a  
33 mental health professional designated by the county or other authority  
34 authorized in rule to perform the duties specified in this chapter.

35 ~~((+13+))~~ (14) "Emerging best practice" or "promising practice"  
36 means a program or practice that, based on statistical analyses or a  
37 well established theory of change, shows potential for meeting the

1 evidence-based or research-based criteria, which may include the use of  
2 a program that is evidence-based for outcomes other than those listed  
3 in subsection ~~((+14))~~ (15) of this section.

4 ~~((+14))~~ (15) "Evidence-based" means a program or practice that has  
5 been tested in heterogeneous or intended populations with multiple  
6 randomized, or statistically controlled evaluations, or both; or one  
7 large multiple site randomized, or statistically controlled evaluation,  
8 or both, where the weight of the evidence from a systemic review  
9 demonstrates sustained improvements in at least one outcome.  
10 "Evidence-based" also means a program or practice that can be  
11 implemented with a set of procedures to allow successful replication in  
12 Washington and, when possible, is determined to be cost-beneficial.

13 ~~((+15))~~ (16) "Licensed service provider" means an entity licensed  
14 according to this chapter or chapter 71.05 RCW or an entity deemed to  
15 meet state minimum standards as a result of accreditation by a  
16 recognized behavioral health accrediting body recognized and having a  
17 current agreement with the department, that meets state minimum  
18 standards or persons licensed under chapter 18.57, 18.71, 18.83, or  
19 18.79 RCW, as it applies to registered nurses and advanced registered  
20 nurse practitioners.

21 ~~((+16))~~ (17) "Long-term inpatient care" means inpatient services  
22 for persons committed for, or voluntarily receiving intensive treatment  
23 for, periods of ninety days or greater under chapter 71.05 RCW. "Long-  
24 term inpatient care" as used in this chapter does not include: (a)  
25 Services for individuals committed under chapter 71.05 RCW who are  
26 receiving services pursuant to a conditional release or a court-ordered  
27 less restrictive alternative to detention; or (b) services for  
28 individuals voluntarily receiving less restrictive alternative  
29 treatment on the grounds of the state hospital.

30 ~~((+17))~~ (18) "Mental health services" means all services provided  
31 by regional support networks and other services provided by the state  
32 for persons who are mentally ill.

33 ~~((+18))~~ (19) "Mentally ill persons," "persons who are mentally  
34 ill," and "the mentally ill" mean persons and conditions defined in  
35 subsections (1), ~~((+4), (27), and (28))~~ (5), (28), and (29) of this  
36 section.

37 ~~((+19))~~ (20) "Recovery" means the process in which people are able  
38 to live, work, learn, and participate fully in their communities.

1        ~~((+20))~~ (21) "Regional support network" means a county authority  
2 or group of county authorities or other entity recognized by the  
3 secretary in contract in a defined ~~((region))~~ regional service area.

4        ~~((+21))~~ (22) "Registration records" include all the records of the  
5 department, regional support networks, treatment facilities, and other  
6 persons providing services to the department, county departments, or  
7 facilities which identify persons who are receiving or who at any time  
8 have received services for mental illness.

9        ~~((+22))~~ (23) "Research-based" means a program or practice that has  
10 been tested with a single randomized, or statistically controlled  
11 evaluation, or both, demonstrating sustained desirable outcomes; or  
12 where the weight of the evidence from a systemic review supports  
13 sustained outcomes as described in subsection ~~((+14))~~ (15) of this  
14 section but does not meet the full criteria for evidence-based.

15        ~~((+23))~~ (24) "Residential services" means a complete range of  
16 residences and supports authorized by resource management services and  
17 which may involve a facility, a distinct part thereof, or services  
18 which support community living, for persons who are acutely mentally  
19 ill, adults who are chronically mentally ill, children who are severely  
20 emotionally disturbed, or adults who are seriously disturbed and  
21 determined by the regional support network to be at risk of becoming  
22 acutely or chronically mentally ill. The services shall include at  
23 least evaluation and treatment services as defined in chapter 71.05  
24 RCW, acute crisis respite care, long-term adaptive and rehabilitative  
25 care, and supervised and supported living services, and shall also  
26 include any residential services developed to service persons who are  
27 mentally ill in nursing homes, assisted living facilities, and adult  
28 family homes, and may include outpatient services provided as an  
29 element in a package of services in a supported housing model.  
30 Residential services for children in out-of-home placements related to  
31 their mental disorder shall not include the costs of food and shelter,  
32 except for children's long-term residential facilities existing prior  
33 to January 1, 1991.

34        ~~((+24))~~ (25) "Resilience" means the personal and community  
35 qualities that enable individuals to rebound from adversity, trauma,  
36 tragedy, threats, or other stresses, and to live productive lives.

37        ~~((+25))~~ (26) "Resource management services" mean the planning,  
38 coordination, and authorization of residential services and community

1 support services administered pursuant to an individual service plan  
2 for: (a) Adults and children who are acutely mentally ill; (b) adults  
3 who are chronically mentally ill; (c) children who are severely  
4 emotionally disturbed; or (d) adults who are seriously disturbed and  
5 determined solely by a regional support network to be at risk of  
6 becoming acutely or chronically mentally ill. Such planning,  
7 coordination, and authorization shall include mental health screening  
8 for children eligible under the federal Title XIX early and periodic  
9 screening, diagnosis, and treatment program. Resource management  
10 services include seven day a week, twenty-four hour a day availability  
11 of information regarding enrollment of adults and children who are  
12 mentally ill in services and their individual service plan to  
13 designated mental health professionals, evaluation and treatment  
14 facilities, and others as determined by the regional support network.

15 ~~((+26))~~ (27) "Secretary" means the secretary of social and health  
16 services.

17 ~~((+27))~~ (28) "Seriously disturbed person" means a person who:

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

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

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

27 (d) Exhibits suicidal preoccupation or attempts; or

28 (e) Is a child diagnosed by a mental health professional, as  
29 defined in chapter 71.34 RCW, as experiencing a mental disorder which  
30 is clearly interfering with the child's functioning in family or school  
31 or with peers or is clearly interfering with the child's personality  
32 development and learning.

33 ~~((+28))~~ (29) "Severely emotionally disturbed child" or "child who  
34 is severely emotionally disturbed" means a child who has been  
35 determined by the regional support network to be experiencing a mental  
36 disorder as defined in chapter 71.34 RCW, including those mental  
37 disorders that result in a behavioral or conduct disorder, that is

1 clearly interfering with the child's functioning in family or school or  
2 with peers and who meets at least one of the following criteria:

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

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

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

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

11 (i) Chronic family dysfunction involving a caretaker who is  
12 mentally ill or inadequate;

13 (ii) Changes in custodial adult;

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

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

19 (v) Drug or alcohol abuse; or

20 (vi) Homelessness.

21 (~~(+29)~~) (30) "State minimum standards" means minimum requirements  
22 established by rules adopted by the secretary and necessary to  
23 implement this chapter for: (a) Delivery of mental health services;  
24 (b) licensed service providers for the provision of mental health  
25 services; (c) residential services; and (d) community support services  
26 and resource management services.

27 (~~(+30)~~) (31) "Treatment records" include registration and all  
28 other records concerning persons who are receiving or who at any time  
29 have received services for mental illness, which are maintained by the  
30 department, by regional support networks and their staffs, and by  
31 treatment facilities. Treatment records do not include notes or  
32 records maintained for personal use by a person providing treatment  
33 services for the department, regional support networks, or a treatment  
34 facility if the notes or records are not available to others.

35 (~~(+31)~~) (32) "Tribal authority," for the purposes of this section  
36 and RCW 71.24.300 only, means: The federally recognized Indian tribes  
37 and the major Indian organizations recognized by the secretary insofar

1 as these organizations do not have a financial relationship with any  
2 regional support network that would present a conflict of interest.

3 **Sec. 7.** RCW 71.24.035 and 2013 c 200 s 24 are each amended to read  
4 as follows:

5 (1) The department is designated as the state mental health  
6 authority.

7 (2) The secretary shall provide for public, client, and licensed  
8 service provider participation in developing the state mental health  
9 program, developing contracts with regional support networks, and any  
10 waiver request to the federal government under medicaid.

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

15 (4) The secretary shall be designated as the regional support  
16 network if the regional support network fails to meet state minimum  
17 standards or refuses to exercise responsibilities under RCW 71.24.045,  
18 until such time as a new regional support network is designated under  
19 RCW 71.24.320.

20 (5) The secretary shall:

21 (a) Develop a biennial state mental health program that  
22 incorporates regional biennial needs assessments and regional mental  
23 health service plans and state services for adults and children with  
24 mental illness (~~(. The secretary shall also develop a six-year state~~  
25 ~~mental health plan));~~

26 (b) Assure that any regional support network or county community  
27 mental health program provides (~~(access to treatment for the region's~~  
28 ~~residents, including parents who are respondents in dependency cases,~~  
29 ~~in the following order of priority: (i) Persons with acute mental~~  
30 ~~illness; (ii) adults with chronic mental illness and children who are~~  
31 ~~severely emotionally disturbed; and (iii) persons who are seriously~~  
32 ~~disturbed. Such programs shall provide:~~

33 ~~(A) Outpatient services;~~

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

35 ~~(C) Day treatment for persons with mental illness which includes~~  
36 ~~training in basic living and social skills, supported work, vocational~~  
37 ~~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 persons with mental illness becoming~~  
9 ~~engaged in meaningful and gainful full or part-time work. Other~~  
10 ~~sources of funding such as the division of vocational rehabilitation~~  
11 ~~may be utilized by the secretary to maximize federal funding and~~  
12 ~~provide for integration of services;~~

13 ~~(F) Consultation and education services; and~~

14 ~~(G) Community support services))~~ medically necessary services to  
15 medicaid recipients consistent with the state's medicaid state plan or  
16 federal waiver authorities, and nonmedicaid services consistent with  
17 priorities established by the department;

18 (c) Develop and adopt rules establishing state minimum standards  
19 for the delivery of mental health services pursuant to RCW 71.24.037  
20 including, but not limited to:

21 (i) Licensed service providers. These rules shall permit a county-  
22 operated mental health program to be licensed as a service provider  
23 subject to compliance with applicable statutes and rules. The  
24 secretary shall provide for deeming of compliance with state minimum  
25 standards for those entities accredited by recognized behavioral health  
26 accrediting bodies recognized and having a current agreement with the  
27 department;

28 (ii) Regional support networks; and

29 (iii) Inpatient services, evaluation and treatment services and  
30 facilities under chapter 71.05 RCW, resource management services, and  
31 community support services;

32 (d) Assure that the special needs of persons who are minorities,  
33 elderly, disabled, children, low-income, and parents who are  
34 respondents in dependency cases are met within the priorities  
35 established in this section;

36 (e) Establish a standard contract or contracts, consistent with  
37 state minimum standards, RCW 71.24.320 and 71.24.330, which shall be  
38 used in contracting with regional support networks. The standard

1 contract shall include a maximum fund balance, which shall be  
2 consistent with that required by federal regulations or waiver  
3 stipulations;

4 (f) Establish, to the extent possible, a standardized auditing  
5 procedure which is designed to assure compliance with contractual  
6 agreements authorized by this chapter and minimizes paperwork  
7 requirements of regional support networks and licensed service  
8 providers. The audit procedure shall focus on the outcomes of service  
9 (~~and not the processes for accomplishing them~~) as provided in RCW  
10 43.20A.895 and 71.36.025;

11 (g) Develop and maintain an information system to be used by the  
12 state and regional support networks that includes a tracking method  
13 which allows the department and regional support networks to identify  
14 mental health clients' participation in any mental health service or  
15 public program on an immediate basis. The information system shall not  
16 include individual patient's case history files. Confidentiality of  
17 client information and records shall be maintained as provided in this  
18 chapter and chapter 70.02 RCW;

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

20 (i) (~~Certify regional support networks that meet state minimum~~  
21 ~~standards~~;

22 ~~(j))~~ Periodically monitor the compliance of certified regional  
23 support networks and their network of licensed service providers for  
24 compliance with the contract between the department, the regional  
25 support network, and federal and state rules at reasonable times and in  
26 a reasonable manner;

27 (~~(k))~~ (j) Fix fees to be paid by evaluation and treatment centers  
28 to the secretary for the required inspections;

29 (~~(l))~~ (k) Monitor and audit regional support networks and  
30 licensed service providers as needed to assure compliance with  
31 contractual agreements authorized by this chapter;

32 (~~(m))~~ (l) Adopt such rules as are necessary to implement the  
33 department's responsibilities under this chapter;

34 (~~(n))~~ (m) Assure the availability of an appropriate amount, as  
35 determined by the legislature in the operating budget by amounts  
36 appropriated for this specific purpose, of community-based,  
37 geographically distributed residential services;

1       (~~(o)~~) (n) Certify crisis stabilization units that meet state  
2 minimum standards;

3       (~~(p)~~) (o) Certify clubhouses that meet state minimum standards;  
4 and

5       (~~(q)~~) (p) Certify triage facilities that meet state minimum  
6 standards.

7       (6) The secretary shall use available resources only for regional  
8 support networks, except:

9       (a) To the extent authorized, and in accordance with any priorities  
10 or conditions specified, in the biennial appropriations act; or

11       (b) To incentivize improved performance with respect to the client  
12 outcomes established in RCW 43.20A.895 and 71.36.025, integration of  
13 behavioral health and primary care services at the clinical level, and  
14 improved care coordination for individuals with complex care needs.

15       (7) Each certified regional support network and licensed service  
16 provider shall file with the secretary, on request, such data,  
17 statistics, schedules, and information as the secretary reasonably  
18 requires. A certified regional support network or licensed service  
19 provider which, without good cause, fails to furnish any data,  
20 statistics, schedules, or information as requested, or files fraudulent  
21 reports thereof, may have its certification or license revoked or  
22 suspended.

23       (8) The secretary may suspend, revoke, limit, or restrict a  
24 certification or license, or refuse to grant a certification or license  
25 for failure to conform to: (a) The law; (b) applicable rules and  
26 regulations; (c) applicable standards; or (d) state minimum standards.

27       (9) The superior court may restrain any regional support network or  
28 service provider from operating without certification or a license or  
29 any other violation of this section. The court may also review,  
30 pursuant to procedures contained in chapter 34.05 RCW, any denial,  
31 suspension, limitation, restriction, or revocation of certification or  
32 license, and grant other relief required to enforce the provisions of  
33 this chapter.

34       (10) Upon petition by the secretary, and after hearing held upon  
35 reasonable notice to the facility, the superior court may issue a  
36 warrant to an officer or employee of the secretary authorizing him or  
37 her to enter at reasonable times, and examine the records, books, and

1 accounts of any regional support network or service provider refusing  
2 to consent to inspection or examination by the authority.

3 (11) Notwithstanding the existence or pursuit of any other remedy,  
4 the secretary may file an action for an injunction or other process  
5 against any person or governmental unit to restrain or prevent the  
6 establishment, conduct, or operation of a regional support network or  
7 service provider without certification or a license under this chapter.

8 (12) The standards for certification of evaluation and treatment  
9 facilities shall include standards relating to maintenance of good  
10 physical and mental health and other services to be afforded persons  
11 pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall  
12 otherwise assure the effectuation of the purposes of these chapters.

13 (13) The standards for certification of crisis stabilization units  
14 shall include standards that:

15 (a) Permit location of the units at a jail facility if the unit is  
16 physically separate from the general population of the jail;

17 (b) Require administration of the unit by mental health  
18 professionals who direct the stabilization and rehabilitation efforts;  
19 and

20 (c) Provide an environment affording security appropriate with the  
21 alleged criminal behavior and necessary to protect the public safety.

22 (14) The standards for certification of a clubhouse shall at a  
23 minimum include:

24 (a) The facilities may be peer-operated and must be  
25 recovery-focused;

26 (b) Members and employees must work together;

27 (c) Members must have the opportunity to participate in all the  
28 work of the clubhouse, including administration, research, intake and  
29 orientation, outreach, hiring, training and evaluation of staff, public  
30 relations, advocacy, and evaluation of clubhouse effectiveness;

31 (d) Members and staff and ultimately the clubhouse director must be  
32 responsible for the operation of the clubhouse, central to this  
33 responsibility is the engagement of members and staff in all aspects of  
34 clubhouse operations;

35 (e) Clubhouse programs must be comprised of structured activities  
36 including but not limited to social skills training, vocational  
37 rehabilitation, employment training and job placement, and community  
38 resource development;

1 (f) Clubhouse programs must provide in-house educational programs  
2 that significantly utilize the teaching and tutoring skills of members  
3 and assist members by helping them to take advantage of adult education  
4 opportunities in the community;

5 (g) Clubhouse programs must focus on strengths, talents, and  
6 abilities of its members;

7 (h) The work-ordered day may not include medication clinics, day  
8 treatment, or other therapy programs within the clubhouse.

9 (15) The department shall distribute appropriated state and federal  
10 funds in accordance with any priorities, terms, or conditions specified  
11 in the appropriations act.

12 (16) The secretary shall assume all duties assigned to the  
13 nonparticipating regional support networks under chapters 71.05 and  
14 71.34 RCW and this chapter. Such responsibilities shall include those  
15 which would have been assigned to the nonparticipating counties in  
16 regions where there are not participating regional support networks.

17 The regional support networks, or the secretary's assumption of all  
18 responsibilities under chapters 71.05 and 71.34 RCW and this chapter,  
19 shall be included in all state and federal plans affecting the state  
20 mental health program including at least those required by this  
21 chapter, the medicaid program, and P.L. 99-660. Nothing in these plans  
22 shall be inconsistent with the intent and requirements of this chapter.

23 (17) The secretary shall:

24 (a) Disburse funds for the regional support networks within sixty  
25 days of approval of the biennial contract. The department must either  
26 approve or reject the biennial contract within sixty days of receipt.

27 (b) Enter into biennial contracts with regional support networks.  
28 The contracts shall be consistent with available resources. No  
29 contract shall be approved that does not include progress toward  
30 meeting the goals of this chapter by taking responsibility for: (i)  
31 Short-term commitments; (ii) residential care; and (iii) emergency  
32 response systems.

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

36 (d) Deny all or part of the funding allocations to regional support  
37 networks based solely upon formal findings of noncompliance with the  
38 terms of the regional support network's contract with the department.

1 Regional support networks disputing the decision of the secretary to  
2 withhold funding allocations are limited to the remedies provided in  
3 the department's contracts with the regional support networks.

4 (18) The department, in cooperation with the state congressional  
5 delegation, shall actively seek waivers of federal requirements and  
6 such modifications of federal regulations as are necessary to allow  
7 federal medicaid reimbursement for services provided by freestanding  
8 evaluation and treatment facilities certified under chapter 71.05 RCW.  
9 The department shall periodically report its efforts to the appropriate  
10 committees of the senate and the house of representatives.

11 **Sec. 8.** RCW 71.24.045 and 2006 c 333 s 105 are each amended to  
12 read as follows:

13 The regional support network shall:

14 (1) Contract as needed with licensed service providers. The  
15 regional support network may, in the absence of a licensed service  
16 provider entity, become a licensed service provider entity pursuant to  
17 minimum standards required for licensing by the department for the  
18 purpose of providing services not available from licensed service  
19 providers;

20 (2) Operate as a licensed service provider if it deems that doing  
21 so is more efficient and cost effective than contracting for services.  
22 When doing so, the regional support network shall comply with rules  
23 promulgated by the secretary that shall provide measurements to  
24 determine when a regional support network provided service is more  
25 efficient and cost effective;

26 (3) Monitor and perform biennial fiscal audits of licensed service  
27 providers who have contracted with the regional support network to  
28 provide services required by this chapter. The monitoring and audits  
29 shall be performed by means of a formal process which insures that the  
30 licensed service providers and professionals designated in this  
31 subsection meet the terms of their contracts;

32 (4) Assure that the special needs of minorities, the elderly,  
33 (~~disabled~~) individuals with disabilities, children, and low-income  
34 persons are met within the priorities established in this chapter;

35 (5) Maintain patient tracking information in a central location as  
36 required for resource management services and the department's  
37 information system;

1 (6) Collaborate to ensure that policies do not result in an adverse  
2 shift of (~~mentally ill~~) persons with mental illness into state and  
3 local correctional facilities;

4 (7) Work with the department to expedite the enrollment or re-  
5 enrollment of eligible persons leaving state or local correctional  
6 facilities and institutions for mental diseases;

7 (~~(If a regional support network is not operated by the~~  
8 ~~county,~~) Work closely with the county designated mental health  
9 professional or county designated crisis responder to maximize  
10 appropriate placement of persons into community services; and

11 (9) Coordinate services for individuals who have received services  
12 through the community mental health system and who become patients at  
13 a state mental hospital to ensure they are transitioned into the  
14 community in accordance with mutually agreed upon discharge plans and  
15 upon determination by the medical director of the state mental hospital  
16 that they no longer need intensive inpatient care.

17 **Sec. 9.** RCW 71.24.100 and 2012 c 117 s 442 are each amended to  
18 read as follows:

19 A county authority or a group of county authorities may enter into  
20 a joint operating agreement to form a regional support network whose  
21 boundaries are consistent with the regional service areas established  
22 under section 2 of this act. Any agreement between two or more county  
23 authorities for the establishment of a regional support network shall  
24 provide:

25 (1) That each county shall bear a share of the cost of mental  
26 health services; and

27 (2) That the treasurer of one participating county shall be the  
28 custodian of funds made available for the purposes of such mental  
29 health services, and that the treasurer may make payments from such  
30 funds upon audit by the appropriate auditing officer of the county for  
31 which he or she is treasurer.

32 **Sec. 10.** RCW 71.24.110 and 1999 c 10 s 7 are each amended to read  
33 as follows:

34 An agreement (~~(for the establishment of a community mental health~~  
35 ~~program)) to contract with the state to operate a regional support~~

36 network under RCW 71.24.100 may also provide:

1 (1) For the joint supervision or operation of services and  
2 facilities, or for the supervision or operation of service and  
3 facilities by one participating county under contract for the other  
4 participating counties; and

5 (2) For such other matters as are necessary or proper to effectuate  
6 the purposes of this chapter.

7 **Sec. 11.** RCW 71.24.340 and 2005 c 503 s 13 are each amended to  
8 read as follows:

9 The secretary shall require the regional support networks to  
10 develop (~~((interlocal agreements pursuant to RCW 74.09.555. To this~~  
11 ~~end, the regional support networks shall))~~ agreements with city and  
12 county jails to accept referrals for enrollment on behalf of a confined  
13 person, prior to the person's release.

14 **Sec. 12.** RCW 71.24.420 and 2001 c 323 s 2 are each amended to read  
15 as follows:

16 The department shall operate the community mental health service  
17 delivery system authorized under this chapter within the following  
18 constraints:

19 (1) The full amount of federal funds for mental health services,  
20 plus qualifying state expenditures as appropriated in the biennial  
21 operating budget, shall be appropriated to the department each year in  
22 the biennial appropriations act to carry out the provisions of the  
23 community mental health service delivery system authorized in this  
24 chapter.

25 (2) The department may expend funds defined in subsection (1) of  
26 this section in any manner that will effectively accomplish the outcome  
27 measures (~~((defined in section 5 of this act))~~) established in RCW  
28 43.20A.895 and 71.36.025 and performance measures linked to those  
29 outcomes.

30 (3) The department shall implement strategies that accomplish the  
31 outcome measures (~~((identified in section 5 of this act that are within~~  
32 ~~the funding constraints in this section))~~) established in RCW 43.20A.895  
33 and 71.36.025 and performance measures linked to those outcomes.

34 (4) The department shall monitor expenditures against the  
35 appropriation levels provided for in subsection (1) of this section.



1       **Sec. 13.** RCW 70.96A.020 and 2001 c 13 s 1 are each amended to read  
2 as follows:

3       For the purposes of this chapter the following words and phrases  
4 shall have the following meanings unless the context clearly requires  
5 otherwise:

6       (1) "Alcoholic" means a person who suffers from the disease of  
7 alcoholism.

8       (2) "Alcoholism" means a disease, characterized by a dependency on  
9 alcoholic beverages, loss of control over the amount and circumstances  
10 of use, symptoms of tolerance, physiological or psychological  
11 withdrawal, or both, if use is reduced or discontinued, and impairment  
12 of health or disruption of social or economic functioning.

13       (3) "Approved treatment program" means a discrete program of  
14 chemical dependency treatment provided by a treatment program certified  
15 by the department of social and health services as meeting standards  
16 adopted under this chapter.

17       (4) "Behavioral health services" means mental health services as  
18 described in chapter 71.24 RCW and chemical dependency treatment  
19 services as described in this chapter.

20       (5) "Chemical dependency" means: (a) Alcoholism; (b) drug  
21 addiction; or (c) dependence on alcohol and one or more other  
22 psychoactive chemicals, as the context requires.

23       ~~((+5))~~ (6) "Chemical dependency program" means expenditures and  
24 activities of the department designed and conducted to prevent or treat  
25 alcoholism and other drug addiction, including reasonable  
26 administration and overhead.

27       ~~((+6))~~ (7) "Department" means the department of social and health  
28 services.

29       ~~((+7))~~ (8) "Designated chemical dependency specialist" or  
30 "specialist" means a person designated by the county alcoholism and  
31 other drug addiction program coordinator designated under RCW  
32 70.96A.310 to perform the commitment duties described in RCW 70.96A.140  
33 and qualified to do so by meeting standards adopted by the department.

34       ~~((+8))~~ (9) "Director" means the person administering the chemical  
35 dependency program within the department.

36       ~~((+9))~~ (10) "Drug addict" means a person who suffers from the  
37 disease of drug addiction.

1        ~~((+10))~~ (11) "Drug addiction" means a disease characterized by a  
2 dependency on psychoactive chemicals, loss of control over the amount  
3 and circumstances of use, symptoms of tolerance, physiological or  
4 psychological withdrawal, or both, if use is reduced or discontinued,  
5 and impairment of health or disruption of social or economic  
6 functioning.

7        ~~((+11))~~ (12) "Emergency service patrol" means a patrol established  
8 under RCW 70.96A.170.

9        ~~((+12))~~ (13) "Gravely disabled by alcohol or other psychoactive  
10 chemicals" or "gravely disabled" means that a person, as a result of  
11 the use of alcohol or other psychoactive chemicals: (a) Is in danger  
12 of serious physical harm resulting from a failure to provide for his or  
13 her essential human needs of health or safety; or (b) manifests severe  
14 deterioration in routine functioning evidenced by a repeated and  
15 escalating loss of cognition or volitional control over his or her  
16 actions and is not receiving care as essential for his or her health or  
17 safety.

18        ~~((+13))~~ (14) "History of one or more violent acts" refers to the  
19 period of time ten years prior to the filing of a petition under this  
20 chapter, excluding any time spent, but not any violent acts committed,  
21 in a mental health facility, or a long-term alcoholism or drug  
22 treatment facility, or in confinement.

23        ~~((+14))~~ (15) "Incapacitated by alcohol or other psychoactive  
24 chemicals" means that a person, as a result of the use of alcohol or  
25 other psychoactive chemicals, is gravely disabled or presents a  
26 likelihood of serious harm to himself or herself, to any other person,  
27 or to property.

28        ~~((+15))~~ (16) "Incompetent person" means a person who has been  
29 adjudged incompetent by the superior court.

30        ~~((+16))~~ (17) "Intoxicated person" means a person whose mental or  
31 physical functioning is substantially impaired as a result of the use  
32 of alcohol or other psychoactive chemicals.

33        ~~((+17))~~ (18) "Licensed physician" means a person licensed to  
34 practice medicine or osteopathic medicine and surgery in the state of  
35 Washington.

36        ~~((+18))~~ (19) "Likelihood of serious harm" means:  
37 (a) A substantial risk that: (i) Physical harm will be inflicted  
38 by an individual upon his or her own person, as evidenced by threats or

1 attempts to commit suicide or inflict physical harm on one's self; (ii)  
2 physical harm will be inflicted by an individual upon another, as  
3 evidenced by behavior that has caused the harm or that places another  
4 person or persons in reasonable fear of sustaining the harm; or (iii)  
5 physical harm will be inflicted by an individual upon the property of  
6 others, as evidenced by behavior that has caused substantial loss or  
7 damage to the property of others; or

8 (b) The individual has threatened the physical safety of another  
9 and has a history of one or more violent acts.

10 ~~((+19+))~~ (20) "Medical necessity" for inpatient care of a minor  
11 means a requested certified inpatient service that is reasonably  
12 calculated to: (a) Diagnose, arrest, or alleviate a chemical  
13 dependency; or (b) prevent the worsening of chemical dependency  
14 conditions that endanger life or cause suffering and pain, or result in  
15 illness or infirmity or threaten to cause or aggravate a handicap, or  
16 cause physical deformity or malfunction, and there is no adequate less  
17 restrictive alternative available.

18 ~~((+20+))~~ (21) "Minor" means a person less than ~~((eighteen))~~  
19 nineteen years of age.

20 ~~((+21+))~~ (22) "Parent" means the parent or parents who have the  
21 legal right to custody of the child. Parent includes custodian or  
22 guardian.

23 ~~((+22+))~~ (23) "Peace officer" means a law enforcement official of  
24 a public agency or governmental unit, and includes persons specifically  
25 given peace officer powers by any state law, local ordinance, or  
26 judicial order of appointment.

27 ~~((+23+))~~ (24) "Person" means an individual, including a minor.

28 ~~((+24+))~~ (25) "Professional person in charge" or "professional  
29 person" means a physician or chemical dependency counselor as defined  
30 in rule by the department, who is empowered by a certified treatment  
31 program with authority to make assessment, admission, continuing care,  
32 and discharge decisions on behalf of the certified program.

33 ~~((+25+))~~ (26) "Regional support network" means a county authority,  
34 group of county authorities, or other entity recognized by the  
35 secretary in a defined regional service area.

36 (27) "Secretary" means the secretary of the department of social  
37 and health services.

1        ~~((+26+))~~ (28) "Treatment" means the broad range of emergency,  
2 detoxification, residential, and outpatient services and care,  
3 including diagnostic evaluation, chemical dependency education and  
4 counseling, medical, psychiatric, psychological, and social service  
5 care, vocational rehabilitation and career counseling, which may be  
6 extended to alcoholics and other drug addicts and their families,  
7 persons incapacitated by alcohol or other psychoactive chemicals, and  
8 intoxicated persons.

9        ~~((+27+))~~ (29) "Treatment program" means an organization,  
10 institution, or corporation, public or private, engaged in the care,  
11 treatment, or rehabilitation of alcoholics or other drug addicts.

12        ~~((+28+))~~ (30) "Violent act" means behavior that resulted in  
13 homicide, attempted suicide, nonfatal injuries, or substantial damage  
14 to property.

15        **Sec. 14.** RCW 70.96A.040 and 1989 c 270 s 5 are each amended to  
16 read as follows:

17        The department, in the operation of the chemical dependency program  
18 may:

19        (1) Plan, establish, and maintain prevention and treatment programs  
20 as necessary or desirable;

21        (2) Make contracts necessary or incidental to the performance of  
22 its duties and the execution of its powers, including contracts for  
23 behavioral health services, contracts entered into under RCW 74.09.522,  
24 or contracts with public and private agencies, organizations, and  
25 individuals to pay them for services rendered or furnished to  
26 alcoholics or other drug addicts, persons incapacitated by alcohol or  
27 other psychoactive chemicals, or intoxicated persons;

28        (3) Enter into agreements for monitoring of verification of  
29 qualifications of counselors employed by approved treatment programs;

30        (4) Adopt rules under chapter 34.05 RCW to carry out the provisions  
31 and purposes of this chapter and contract, cooperate, and coordinate  
32 with other public or private agencies or individuals for those  
33 purposes;

34        (5) Solicit and accept for use any gift of money or property made  
35 by will or otherwise, and any grant of money, services, or property  
36 from the federal government, the state, or any political subdivision

1    thereof or any private source, and do all things necessary to cooperate  
2    with the federal government or any of its agencies in making an  
3    application for any grant;

4       (6) Administer or supervise the administration of the provisions  
5    relating to alcoholics, other drug addicts, and intoxicated persons of  
6    any state plan submitted for federal funding pursuant to federal  
7    health, welfare, or treatment legislation;

8       (7) Coordinate its activities and cooperate with chemical  
9    dependency programs in this and other states, and make contracts and  
10   other joint or cooperative arrangements with state, local, or private  
11   agencies in this and other states for the treatment of alcoholics and  
12   other drug addicts and their families, persons incapacitated by alcohol  
13   or other psychoactive chemicals, and intoxicated persons and for the  
14   common advancement of chemical dependency programs;

15       (8) Keep records and engage in research and the gathering of  
16   relevant statistics;

17       (9) Do other acts and things necessary or convenient to execute the  
18   authority expressly granted to it;

19       (10) Acquire, hold, or dispose of real property or any interest  
20   therein, and construct, lease, or otherwise provide treatment programs.

21       **Sec. 15.** RCW 70.96A.050 and 2001 c 13 s 2 are each amended to read  
22   as follows:

23       The department shall:

24       (1) Develop, encourage, and foster statewide, regional, and local  
25   plans and programs for the prevention of alcoholism and other drug  
26   addiction, treatment of alcoholics and other drug addicts and their  
27   families, persons incapacitated by alcohol or other psychoactive  
28   chemicals, and intoxicated persons in cooperation with public and  
29   private agencies, organizations, and individuals and provide technical  
30   assistance and consultation services for these purposes;

31       (2) Assure that any regional support network contract for  
32   behavioral health services or program for the treatment of persons with  
33   alcohol or drug use disorders provides medically necessary services to  
34   medicaid recipients consistent with the state's medicaid plan or  
35   federal waiver authorities, and nonmedicaid services consistent with  
36   priorities established by the department;

1        (3) Coordinate the efforts and enlist the assistance of all public  
2 and private agencies, organizations, and individuals interested in  
3 prevention of alcoholism and drug addiction, and treatment of  
4 alcoholics and other drug addicts and their families, persons  
5 incapacitated by alcohol or other psychoactive chemicals, and  
6 intoxicated persons;

7        ~~((+3))~~ (4) Cooperate with public and private agencies in  
8 establishing and conducting programs to provide treatment for  
9 alcoholics and other drug addicts and their families, persons  
10 incapacitated by alcohol or other psychoactive chemicals, and  
11 intoxicated persons who are clients of the correctional system;

12        ~~((+4))~~ (5) Cooperate with the superintendent of public  
13 instruction, state board of education, schools, police departments,  
14 courts, and other public and private agencies, organizations and  
15 individuals in establishing programs for the prevention of alcoholism  
16 and other drug addiction, treatment of alcoholics or other drug addicts  
17 and their families, persons incapacitated by alcohol or other  
18 psychoactive chemicals, and intoxicated persons, and preparing  
19 curriculum materials thereon for use at all levels of school education;

20        ~~((+5))~~ (6) Prepare, publish, evaluate, and disseminate educational  
21 material dealing with the nature and effects of alcohol and other  
22 psychoactive chemicals and the consequences of their use;

23        ~~((+6))~~ (7) Develop and implement, as an integral part of treatment  
24 programs, an educational program for use in the treatment of alcoholics  
25 or other drug addicts, persons incapacitated by alcohol or other  
26 psychoactive chemicals, and intoxicated persons, which program shall  
27 include the dissemination of information concerning the nature and  
28 effects of alcohol and other psychoactive chemicals, the consequences  
29 of their use, the principles of recovery, and HIV and AIDS;

30        ~~((+7))~~ (8) Organize and foster training programs for persons  
31 engaged in treatment of alcoholics or other drug addicts, persons  
32 incapacitated by alcohol or other psychoactive chemicals, and  
33 intoxicated persons;

34        ~~((+8))~~ (9) Sponsor and encourage research into the causes and  
35 nature of alcoholism and other drug addiction, treatment of alcoholics  
36 and other drug addicts, persons incapacitated by alcohol or other  
37 psychoactive chemicals, and intoxicated persons, and serve as a

1 clearinghouse for information relating to alcoholism or other drug  
2 addiction;

3       (~~(+9)~~) (10) Specify uniform methods for keeping statistical  
4 information by public and private agencies, organizations, and  
5 individuals, and collect and make available relevant statistical  
6 information, including number of persons treated, frequency of  
7 admission and readmission, and frequency and duration of treatment;

8       (~~(+10)~~) (11) Advise the governor in the preparation of a  
9 comprehensive plan for treatment of alcoholics and other drug addicts,  
10 persons incapacitated by alcohol or other psychoactive chemicals, and  
11 intoxicated persons for inclusion in the state's comprehensive health  
12 plan;

13       (~~(+11)~~) (12) Review all state health, welfare, and treatment plans  
14 to be submitted for federal funding under federal legislation, and  
15 advise the governor on provisions to be included relating to alcoholism  
16 and other drug addiction, persons incapacitated by alcohol or other  
17 psychoactive chemicals, and intoxicated persons;

18       (~~(+12)~~) (13) Assist in the development of, and cooperate with,  
19 programs for alcohol and other psychoactive chemical education and  
20 treatment for employees of state and local governments and businesses  
21 and industries in the state;

22       (~~(+13)~~) (14) Use the support and assistance of interested persons  
23 in the community to encourage alcoholics and other drug addicts  
24 voluntarily to undergo treatment;

25       (~~(+14)~~) (15) Cooperate with public and private agencies in  
26 establishing and conducting programs designed to deal with the problem  
27 of persons operating motor vehicles while intoxicated;

28       (~~(+15)~~) (16) Encourage general hospitals and other appropriate  
29 health facilities to admit without discrimination alcoholics and other  
30 drug addicts, persons incapacitated by alcohol or other psychoactive  
31 chemicals, and intoxicated persons and to provide them with adequate  
32 and appropriate treatment;

33       (~~(+16)~~) (17) Encourage all health and disability insurance  
34 programs to include alcoholism and other drug addiction as a covered  
35 illness; and

36       (~~(+17)~~) (18) Organize and sponsor a statewide program to help  
37 court personnel, including judges, better understand the disease of

1 alcoholism and other drug addiction and the uses of chemical dependency  
2 treatment programs.

3 **Sec. 16.** RCW 70.96A.080 and 1989 c 270 s 18 are each amended to  
4 read as follows:

5 (1) In coordination with the health care authority, the department  
6 shall establish by ((all)) appropriate means, including contracting  
7 ((for)), behavioral health services, including a comprehensive and  
8 coordinated ((discrete)) program for the treatment of ((alcoholics and  
9 other drug addicts and their families, persons incapacitated by alcohol  
10 or other psychoactive chemicals, and intoxicated)) persons with alcohol  
11 and drug use disorders.

12 (2) The program shall include, but not necessarily be limited to:

13 (a) Detoxification;

14 (b) Residential treatment; and

15 (c) Outpatient treatment.

16 (3) All appropriate public and private resources shall be  
17 coordinated with and used in the program when possible.

18 (4) The department may contract for the use of an approved  
19 treatment program or other individual or organization if the secretary  
20 considers this to be an effective and economical course to follow.

21 **Sec. 17.** RCW 70.96A.320 and 2013 c 320 s 8 are each amended to  
22 read as follows:

23 (1) A county legislative authority, or two or more counties acting  
24 jointly, may establish an alcoholism and other drug addiction program.  
25 If two or more counties jointly establish the program, they shall  
26 designate one county to provide administrative and financial services.

27 (2) To be eligible for funds from the department for the support of  
28 the county alcoholism and other drug addiction program, the county  
29 legislative authority shall establish a county alcoholism and other  
30 drug addiction board under RCW 70.96A.300 and appoint a county  
31 alcoholism and other drug addiction program coordinator under RCW  
32 70.96A.310.

33 (3) The county legislative authority may apply to the department  
34 for financial support for the county program of alcoholism and other  
35 drug addiction. To receive financial support, the county legislative  
36 authority shall submit a plan that meets the following conditions:



1 (a) It shall describe the prevention, early intervention, or  
2 recovery support services and activities to be provided;

3 (b) It shall include anticipated expenditures and revenues;

4 (c) It shall be prepared by the county alcoholism and other drug  
5 addiction program board and be adopted by the county legislative  
6 authority;

7 (d) It shall reflect maximum effective use of existing services and  
8 programs; and

9 (e) It shall meet other conditions that the secretary may require.

10 (4) The county may accept and spend gifts, grants, and fees, from  
11 public and private sources, to implement its program of alcoholism and  
12 other drug addiction.

13 (5) The department shall require that any agreement to provide  
14 financial support to a county that performs the activities of a service  
15 coordination organization for alcoholism and other drug addiction  
16 services must incorporate the expected outcomes and criteria to measure  
17 the performance of service coordination organizations as provided in  
18 chapter 70.320 RCW.

19 (6) The county may subcontract for prevention, early intervention,  
20 or recovery support services with approved prevention or treatment  
21 programs.

22 (7) To continue to be eligible for financial support from the  
23 department for the county alcoholism and other drug addiction program,  
24 an increase in state financial support shall not be used to supplant  
25 local funds from a source that was used to support the county  
26 alcoholism and other drug addiction program before the effective date  
27 of the increase.

28 NEW SECTION. **Sec. 18.** Section 1 of this act is necessary for the  
29 immediate preservation of the public peace, health, or safety, or  
30 support of the state government and its existing public institutions,  
31 and takes effect immediately.

32 NEW SECTION. **Sec. 19.** Sections 4 through 17 of this act take  
33 effect April 1, 2016."

**E2SHB 2639** - S COMM AMD

By Committee on Human Services & Corrections

1        On page 1, line 2 of the title, after "services;" strike the  
2 remainder of the title and insert "amending RCW 71.24.015, 71.24.016,  
3 71.24.025, 71.24.035, 71.24.045, 71.24.100, 71.24.110, 71.24.340,  
4 71.24.420, 70.96A.020, 70.96A.040, 70.96A.050, 70.96A.080, and  
5 70.96A.320; amending 2013 c 338 s 1 (uncodified); adding a new section  
6 to chapter 71.24 RCW; adding a new section to chapter 43.20A RCW;  
7 providing an effective date; and declaring an emergency."

EFFECT:        DSHS and HCA may establish regional service areas by March 1, 2015, or earlier if agreed upon by WSAC, only if it receives a positive recommendation from the Adult Behavioral Health System Task Force. The task force must study whether a statewide Office of Behavioral Health Ombuds should be created. House amendments are removed increasing the size and changing the instructions of the task force, requiring DSHS to integrate chemical dependency with managed care contracts administered by regional support networks by April 1, 2016, requiring full integration of behavioral health and primary care purchasing by January 1, 2019, and renaming regional support networks as behavioral health organizations.

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