
SECOND ENGROSSED SUBSTITUTE SENATE BILL 5389

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Becker, Cleveland, Bailey, Wilson, L., Brown, Walsh, and Warnick)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to establishing a telehealth training and
2 treatment program to assist youth; amending RCW 28A.410.226;
3 reenacting and amending RCW 28A.410.035; adding new sections to
4 chapter 28B.20 RCW; adding a new section to chapter 28A.210 RCW;
5 adding a new section to chapter 28A.400 RCW; creating new sections;
6 and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature recognizes that
9 unaddressed mental illness is a growing problem in Washington state.
10 Early identification, intervention, and prevention are critical to a
11 student's success in school and life. Other states have demonstrated
12 that students' grades increase and truancy decreases by addressing
13 mental health among students in schools. Future mental health care
14 and housing costs will be reduced by addressing mental health issues
15 early.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.20
17 RCW to read as follows:

18 (1) The University of Washington, in collaboration with project
19 ECHO (extension for community healthcare outcomes), shall design a
20 training curriculum and training delivery system to train middle,

1 junior high, and high school staff to identify students who are at
2 risk for substance abuse, violence, or youth suicide.

3 (2) The training curriculum in subsection (1) of this section
4 must:

5 (a) Be developed in consultation with mental health providers;

6 (b) Align with national best practices; and

7 (c) Be designed to assist any school staff in identifying
8 students who:

9 (i) May be struggling with mental health issues;

10 (ii) Have had thoughts of suicide or harming others; and

11 (iii) Have abused, are abusing, or are at risk of abusing alcohol
12 or drugs, including opioids.

13 (3) The training delivery system in subsection (1) of this
14 section must utilize live teleconference or store-and-forward
15 technology to deliver the trainings to school staff.

16 (4) Project ECHO shall coordinate with medical schools,
17 hospitals, clinics, and independent providers to develop a directory
18 of psychiatrists and psychologists licensed to practice in Washington
19 state who have access to telemedicine technology and are able to
20 provide teleconsultations to students who are determined to be at
21 risk for substance abuse or committing violence to themselves or
22 others. Project ECHO must update the directory periodically and make
23 the directory available to all middle, junior high, and high schools
24 in the state.

25 (5) For purposes of this section, "project echo" means the
26 University of Washington school of medicine extension for community
27 healthcare outcomes program.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.20
29 RCW to read as follows:

30 (1) The University of Washington, in collaboration with project
31 ECHO (extension for community healthcare outcomes), shall seek
32 grants, gifts, and donations to support:

33 (a) The development of the training curriculum, training delivery
34 system, and directory of psychiatrists and psychologists required by
35 section 2 of this act; and

36 (b) The reimbursement for health care services provided by
37 psychiatrists and psychologists for the provision of
38 teleconsultations to students who do not have health insurance
39 coverage.

- 1 (2) The University of Washington shall develop:
- 2 (a) A system to receive reimbursement requests from, and to
3 distribute reimbursements to, psychiatrists and psychologists who
4 provide health care services under this section; and
- 5 (b) Methodology for determining the amount of a reimbursement
6 paid to a psychiatrist or psychologist.
- 7 (3) For purposes of this section, "project ECHO" means the
8 University of Washington school of medicine extension for community
9 healthcare outcomes program.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.210
11 RCW to read as follows:

12 (1) If a certificated or classified employee trained under
13 section 7 of this act, or a school counselor, school psychologist, or
14 school social worker, identifies a student who may be at risk for
15 substance abuse, violence, or youth suicide, a school counselor,
16 school psychologist, school social worker, or school nurse must
17 screen the student to determine if the student is at risk for
18 substance abuse, violence, or youth suicide.

19 (2) If a school counselor, school psychologist, school social
20 worker, or school nurse determines that a student is at risk for
21 substance abuse, violence, or youth suicide, the student's school
22 district must, subject to receiving consent under subsection (4) of
23 this section, schedule a teleconsultation for the student within
24 thirty days of the determination, in accordance with the following:

25 (a) The school district must utilize the directory developed by
26 project ECHO under section 2 of this act to enlist a psychiatrist or
27 psychologist to provide the student with two teleconsultations;

28 (b) The school district must provide an unoccupied room and the
29 technology necessary for the student to connect with the remote
30 psychiatrist or psychologist for the teleconsultations; and

31 (c) The school district must allow the student to participate in
32 the two teleconsultations during normal school hours.

33 (3) If, following the initial teleconsultation as described in
34 subsection (2) of this section, a psychiatrist or psychologist
35 recommends a second teleconsultation then the student's school
36 district must, subject to receiving consent under subsection (4) of
37 this section, schedule a second teleconsultation for the student
38 within thirty days of the recommendation, in accordance with
39 subsection (2) of this section.

1 (4) The school district may not schedule a teleconsultation for a
2 student without first receiving authorization from the student, or if
3 the student is a minor under the age of thirteen, written
4 authorization from a parent or person who may consent on behalf of
5 the minor under RCW 7.70.065.

6 (5) Following a second teleconsultation, the school district must
7 work with the psychiatrist or psychologist to refer the student to
8 any appropriate medical, mental health, or behavioral health
9 services.

10 (6) Psychiatrists or psychologists who provide teleconference
11 services in accordance with subsections (2) and (3) of this section
12 may seek reimbursement for the health care services provided from the
13 health plan in which a student is enrolled, including apple health
14 for kids. For students with no health coverage, a psychiatrist or
15 psychologist may seek reimbursement from the state for any
16 uncompensated health care services provided to the students.

17 (7) For purposes of this section, "project ECHO" means the
18 University of Washington school of medicine extension for community
19 healthcare outcomes program.

20 **Sec. 5.** RCW 28A.410.226 and 2013 c 197 s 2 are each amended to
21 read as follows:

22 (1) As provided under subsections (2) and (3) of this section,
23 individuals certified by the professional educator standards board as
24 a school nurse, school social worker, school psychologist, or school
25 counselor must complete a training program on identifying and
26 referring students who are at risk for substance abuse, violence, and
27 youth suicide ((screening and referral)), including utilizing
28 teleconsultation, as a condition of certification. The training
29 program must be at least three hours in length. The professional
30 educator standards board must adopt standards for the minimum content
31 of the training in consultation with the office of the superintendent
32 of public instruction and the department of health. In developing the
33 standards, the board must consider training programs listed on the
34 best practices registry of the American foundation for suicide
35 prevention and the suicide prevention resource center.

36 (2) This section applies to the following certificates if the
37 certificate is first issued or is renewed on or after July 1,
38 ((2015)) 2020:

39 (a) Continuing certificates for school nurses;

1 (b) Continuing certificates for school social workers;

2 (c) Continuing and professional certificates for school
3 psychologists; and

4 (d) Continuing and professional certificates for school
5 counselors.

6 (3) A school counselor who holds or submits a school counseling
7 certificate from the national board for professional teaching
8 standards or a school psychologist who holds or submits a school
9 psychologist certificate from the national association of school
10 psychologists in lieu of a professional certificate must complete the
11 training program under subsection (1) of this section by July 1,
12 ((2015)) 2020, or within the five-year period before the certificate
13 is first submitted to the professional educator standards board,
14 whichever is later, and at least once every five years thereafter in
15 order to be considered certified by the professional educator
16 standards board.

17 (4) The professional educator standards board shall ((~~consider~~
18 ~~the training program under subsection (1) of this section as approved~~
19 ~~continuing education under RCW 28A.415.020 and shall~~)) count the
20 training program under subsection (1) of this section toward meeting
21 continuing education requirements for certification as a school
22 nurse, school social worker, school psychologist, or school
23 counselor.

24 **Sec. 6.** RCW 28A.410.035 and 2013 c 197 s 3 and 2013 c 10 s 2 are
25 each reenacted and amended to read as follows:

26 (1) To receive initial certification as a teacher in this state
27 after August 31, 1991, an applicant shall have successfully completed
28 a course on issues of abuse. The content of the course shall discuss
29 the identification of physical abuse, emotional abuse, sexual abuse,
30 and substance abuse; commercial sexual abuse of a minor, as defined
31 in RCW 9.68A.100; sexual exploitation of a minor, as defined in RCW
32 9.68A.040; information on the impact of abuse on the behavior and
33 learning abilities of students; discussion of the responsibilities of
34 a teacher to report abuse or provide assistance to students who are
35 the victims of abuse; and methods for teaching students about abuse
36 of all types and their prevention.

37 (2) The professional educator standards board shall incorporate
38 into the content required for the course under this section,
39 knowledge and skill standards pertaining to recognition, initial

1 screening, and response to emotional or behavioral distress in
2 students, including but not limited to indicators of possible
3 substance abuse, violence, and youth suicide. The course must also
4 include the training curriculum created under section 2 of this act.
5 To receive initial certification after August 31, ((2014)) 2020, an
6 applicant must have successfully completed a course that includes the
7 content of this subsection. The board shall consult with the office
8 of the superintendent of public instruction and the department of
9 health in developing the standards.

10 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.400
11 RCW to read as follows:

12 (1) Beginning in the 2021-22 school year, school districts shall
13 require all certificated and classified employees at each school to
14 receive training based on the curriculum developed under section 2 of
15 this act.

16 (2) The training required under this section may be incorporated
17 within existing training programs and related resources.

18 NEW SECTION. **Sec. 8.** This act does not create any civil
19 liability on the part of the state or any state agency, officer,
20 employee, agent, political subdivision, or school district.

21 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of
23 the state government and its existing public institutions, and takes
24 effect immediately.

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