

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1086**

Chapter 202, Laws of 2021

67th Legislature  
2021 Regular Session

OFFICE OF BEHAVIORAL HEALTH CONSUMER ADVOCACY

EFFECTIVE DATE: July 25, 2021—Except for sections 15 through 17,  
which take effect October 1, 2022.

Passed by the House April 13, 2021  
Yeas 98 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate April 7, 2021  
Yeas 49 Nays 0

DENNY HECK

**President of the Senate**

Approved May 10, 2021 2:58 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1086** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 10, 2021

**Secretary of State  
State of Washington**

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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1086**

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AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Simmons, Caldier, Bateman, Ortiz-Self, Shewmake, Ryu, Chopp, Cody, Goodman, Fey, Stonier, Macri, Fitzgibbon, Frame, and Davis)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to the creation of the state office of behavioral  
2 health consumer advocacy; amending RCW 71.24.045 and 71.24.380;  
3 adding a new chapter to Title 71 RCW; creating a new section;  
4 repealing RCW 71.24.350; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) According to the federal substance abuse and mental health  
8 services administration's 2019 report, one in five adults in the  
9 United States will experience some form of mental illness this year  
10 and one in thirteen will need substance use disorder treatment;

11 (b) Fewer than half of all individuals needing behavioral health  
12 treatment receive those services;

13 (c) An untreated behavioral health need can have long-term  
14 negative impacts on an individual's health, well-being, and  
15 productivity;

16 (d) The state has made significant investments in the efficacy of  
17 the publicly funded behavioral health system and its providers;

18 (e) Behavioral health parity is required by both state and  
19 federal law;

20 (f) All patients deserve to be treated and cared for with dignity  
21 and respect;

1 (g) Patients often cross local and administrative boundaries when  
2 seeking effective behavioral health care;

3 (h) Individuals with behavioral health needs are  
4 disproportionately involved with the criminal justice system; and

5 (i) Providing robust community-based services can prevent  
6 expensive hospitalizations.

7 (2) The legislature intends to create the state office of the  
8 behavioral health consumer advocacy that shall:

9 (a) Advocate for all patients seeking privately and publicly  
10 funded behavioral health services;

11 (b) Advocate for all patients receiving inpatient behavioral  
12 health services from a behavioral health provider or facility;

13 (c) Assure that patients are afforded all of the rights given to  
14 them by state and federal laws;

15 (d) Maintain independence and be free from all conflicts of  
16 interest;

17 (e) Provide consistent quality services across the state; and

18 (f) Retain an office within the boundaries of the region served  
19 by each behavioral health administrative services organization.

20 NEW SECTION. **Sec. 2.** The definitions in this section apply  
21 throughout this chapter unless the context clearly requires  
22 otherwise.

23 (1) "Behavioral health provider or facility" means:

24 (a) A behavioral health provider, as defined in RCW 71.24.025, to  
25 the extent it provides behavioral health services;

26 (b) A licensed or certified behavioral health agency, as defined  
27 in RCW 71.24.025;

28 (c) A long-term care facility, as defined in RCW 43.190.020, in  
29 which adults or children with behavioral health conditions reside;

30 (d) A state hospital, as defined in RCW 72.23.010; or

31 (e) A facility or agency that receives funds from the state to  
32 provide behavioral health treatment services to adults or children  
33 with a behavioral health condition.

34 (2) "Contracting advocacy organization" means the organization  
35 selected by the office pursuant to section 3 of this act.

36 (3) "Department" means the department of commerce.

37 (4) "Office" means the state office of behavioral health consumer  
38 advocacy.

1        NEW SECTION.    **Sec. 3.**    (1) By July 1, 2022, the department shall  
2 establish the state office of behavioral health consumer advocacy to  
3 provide behavioral health consumer advocacy services to patients,  
4 residents, and clients of behavioral health providers or facilities.  
5 Prior to the establishment and operation of the office, the  
6 department shall solicit recommendations from members of the  
7 behavioral health community for options to rename the office and the  
8 certified behavioral health consumer advocates in a way that shows  
9 respect for the community that the office and the advocates serve.  
10 Prior to the office beginning operations, the department must rename  
11 the office and the certified behavioral health consumer advocates  
12 from the options proposed by the community. The department shall  
13 contract with a private nonprofit organization to provide behavioral  
14 health consumer advocacy services, according to the standards  
15 established by the office. The department shall assure all program  
16 and staff support necessary to enable the contracting advocacy  
17 organization to effectively protect the interests of persons with  
18 behavioral health needs in accordance with this chapter. The  
19 department shall select the organization through a competitive  
20 bidding process and shall assure that the selected organization (a)  
21 has demonstrated financial stability and meets the qualifications for  
22 the duties identified in this chapter, and (b) does not have any  
23 conflicts of interest that would interfere with the duties identified  
24 in this chapter. The department shall encourage persons who have  
25 lived experience with behavioral health conditions or who are a  
26 family member of a person with behavioral health conditions to apply.

27        (2) Following the selection of the organization to carry out the  
28 ministerial functions of the office, the department shall not  
29 initiate the procurement of a new contract except upon a showing of  
30 cause. Prior to ending the contract and conducting a new competitive  
31 bidding process, the department shall provide an opportunity for  
32 comment by the contracting advocacy organization and to appeal the  
33 reselection to the department.

34        (3) The office shall adopt rules to carry out the purposes of  
35 this chapter, including:

36        (a) Establishing standards for the contracting advocacy  
37 organization to use when certifying behavioral health consumer  
38 advocates;

1 (b) Establishing procedures consistent with this act for  
2 appropriate access by behavioral health consumer advocates to  
3 behavioral health providers or facilities; and

4 (c) Establishing procedures consistent with section 14 of this  
5 act to protect the confidentiality of the records of patients,  
6 residents, clients, providers, and complainants.

7 NEW SECTION. **Sec. 4.** The state office of behavioral health  
8 consumer advocacy shall assure performance of the following  
9 activities, as authorized in contract:

10 (1) Selection of a name for the contracting advocacy organization  
11 to use for the advocacy program that it operates pursuant to contract  
12 with the office. The name must be selected by the statewide advisory  
13 council established in this section and must be separate and  
14 distinguishable from that of the office;

15 (2) Certification of behavioral health consumer advocates by  
16 October 1, 2022, and coordination of the activities of the behavioral  
17 health consumer advocates throughout the state according to standards  
18 adopted by the office;

19 (3) Provision of training regarding appropriate access by  
20 behavioral health consumer advocates to behavioral health providers  
21 or facilities according to standards adopted by the office;

22 (4) Establishment of a toll-free telephone number, website, and  
23 other appropriate technology to facilitate access to contracting  
24 advocacy organization services for patients, residents, and clients  
25 of behavioral health providers or facilities;

26 (5) Establishment of a statewide uniform reporting system to  
27 collect and analyze data relating to complaints and conditions  
28 provided by behavioral health providers or facilities for the purpose  
29 of identifying and resolving significant problems, with permission to  
30 submit the data to all appropriate state agencies on a regular basis;

31 (6) Establishment of procedures consistent with the standards  
32 adopted by the office to protect the confidentiality of the office's  
33 records, including the records of patients, residents, clients,  
34 providers, and complainants;

35 (7) Establishment of a statewide advisory council, a majority of  
36 which must be composed of people with lived experience, that shall  
37 include:

- 1 (a) Individuals with a history of mental illness including one or  
2 more members from the black community, the indigenous community, or a  
3 community of color;
- 4 (b) Individuals with a history of substance use disorder  
5 including one or more members from the black community, the  
6 indigenous community, or a community of color;
- 7 (c) Family members of individuals with behavioral health needs  
8 including one or more members from the black community, the  
9 indigenous community, or a community of color;
- 10 (d) One or more representatives of an organization representing  
11 consumers of behavioral health services;
- 12 (e) Representatives of behavioral health providers and  
13 facilities, including representatives of facilities offering  
14 inpatient and residential behavioral health services;
- 15 (f) One or more certified peer specialists;
- 16 (g) One or more medical clinicians serving individuals with  
17 behavioral health needs;
- 18 (h) One or more nonmedical providers serving individuals with  
19 behavioral health needs;
- 20 (i) One representative from a behavioral health administrative  
21 services organization;
- 22 (j) Other community representatives, as determined by the office;  
23 and
- 24 (k) One representative from a labor union representing workers  
25 who work in settings serving individuals with behavioral health  
26 conditions;
- 27 (8) Monitoring the development of and recommend improvements in  
28 the implementation of federal, state, and local laws, rules,  
29 regulations, and policies with respect to the provision of behavioral  
30 health services in the state and advocate for consumers;
- 31 (9) Development and delivery of educational programs and  
32 information statewide to patients, residents, and clients of  
33 behavioral health providers or facilities, and their families on  
34 topics including, but not limited to, the execution of mental health  
35 advance directives, wellness recovery action plans, crisis services  
36 and contacts, peer services and supports, family advocacy and rights,  
37 and involuntary treatment; and
- 38 (10) Reporting to the office, the legislature, and all  
39 appropriate public agencies regarding the quality of services,  
40 complaints, problems for individuals receiving services from

1 behavioral health providers or facilities, and any recommendations  
2 for improved services for behavioral health consumers.

3 NEW SECTION. **Sec. 5.** (1) A certified behavioral health consumer  
4 advocate shall:

5 (a) Identify, investigate, and resolve complaints made by, or on  
6 behalf of, patients, residents, and clients of behavioral health  
7 providers or facilities relating to administrative action, inaction,  
8 or decisions that may adversely affect the health, safety, welfare,  
9 and rights of these individuals;

10 (b) Assist and advocate on behalf of patients, residents, and  
11 clients of behavioral health providers or facilities before  
12 government agencies and seek administrative, legal, and other  
13 remedies on their behalf, if appropriate;

14 (c) Inform patients, residents, and clients or their  
15 representatives about applicable patient and resident rights, and  
16 provide information, as appropriate, to patients, residents, clients,  
17 family members, guardians, resident representatives, and others  
18 regarding the rights of patients and residents;

19 (d) Make recommendations through the office and the contracting  
20 advocacy organization for improvements to the quality of services  
21 provided to patients, residents, and clients of behavioral health  
22 providers or facilities; and

23 (e) With the consent of the patient, resident, or client, involve  
24 family members, friends, or other designated individuals in the  
25 process of resolving complaints.

26 (2) Nothing in this section shall be construed to grant a  
27 certified behavioral health consumer advocate:

28 (a) Statutory or regulatory licensing or sanctioning authority;  
29 or

30 (b) Binding adjudicative authority.

31 NEW SECTION. **Sec. 6.** (1) For state hospitals as defined in RCW  
32 72.23.010, the state office of behavioral health consumer advocacy  
33 shall work with the department of social and health services to:

34 (a) Establish specialized training for behavioral health consumer  
35 advocates to work with forensic and criminal justice involved  
36 populations at the state hospitals;

37 (b) Create procedures and protocols that ensure that behavioral  
38 health consumer advocates have access to all state hospital patients

1 and their families or guardians as needed to perform their duties,  
2 including persons who are awaiting admission to the state hospitals  
3 while in jail;

4 (c) Establish guidelines for how the state office of behavioral  
5 health consumer advocacy will work and collaborate with existing  
6 state employees who serve in an ombuds or advocate role for the state  
7 hospitals and ensure all legal requirements for these personnel are  
8 maintained; and

9 (d) Develop a direct reporting structure to the governor's office  
10 about any systemic issues that are discovered within the course of  
11 the advocates' duties within the state hospitals.

12 (2) The state office of behavioral health consumer advocacy shall  
13 complete this work in collaboration with the department of social and  
14 health services by July 1, 2023, and prior to the deployment of  
15 behavioral health consumer advocates within the state hospitals.

16 (3) The state office of behavioral health consumer advocacy shall  
17 make strong efforts to encourage individuals with lived experience  
18 specific to the state hospitals to undergo training to fulfill  
19 behavioral health consumer advocate positions at the state hospitals.

20 NEW SECTION. **Sec. 7.** (1) The certified behavioral health  
21 consumer advocates shall have appropriate access to behavioral health  
22 providers or facilities to effectively carry out the provisions of  
23 this chapter, with provisions made for the privacy of patients,  
24 residents, and clients, according to the rules, policies, and  
25 procedures developed under section 3 of this act.

26 (2) Nothing in this chapter restricts, limits, or increases any  
27 existing right of any organizations or individuals not described in  
28 subsection (1) of this section to enter or provide assistance to  
29 patients, residents, and clients of behavioral health providers or  
30 facilities.

31 (3) Nothing in this chapter restricts any right or privilege of a  
32 patient, resident, or client of a behavioral health provider or  
33 facility to receive visitors of their choice.

34 NEW SECTION. **Sec. 8.** (1) Every behavioral health provider or  
35 facility shall post in a conspicuous location a notice providing the  
36 toll-free phone number and website of the contracting advocacy  
37 organization, as well as the name, address, and phone number of the  
38 office of the appropriate local behavioral health consumer advocate



1 and a brief description of the services provided by the contracting  
2 advocacy organization. The form of the notice must be approved by the  
3 office. This information must also be distributed to the patients,  
4 residents, and clients of behavioral health providers or facilities,  
5 upon application for behavioral health services and upon admission to  
6 a behavioral health provider or facility. The information shall also  
7 be provided to the family members and legal guardians of the  
8 patients, residents, or clients of a behavioral health provider or  
9 facility, as allowed by state and federal privacy laws.

10 (2) Every behavioral health provider or facility must provide  
11 access to a free telephone for the express purpose of contacting the  
12 contracting advocacy organization.

13 NEW SECTION. **Sec. 9.** The contracting advocacy organization  
14 shall develop and submit, for approval by the office, a process to  
15 train and certify all behavioral health consumer advocates, whether  
16 paid or volunteer, authorized by this chapter as follows:

17 (1) Certified behavioral health consumer advocates must have  
18 training or experience in the following areas:

19 (a) Behavioral health and other related social services programs;

20 (b) The legal system, including differences in state or federal  
21 law between voluntary and involuntary patients, residents, or  
22 clients;

23 (c) Advocacy and supporting self-advocacy;

24 (d) Dispute or problem resolution techniques, including  
25 investigation, mediation, and negotiation; and

26 (e) All applicable patient, resident, and client rights  
27 established by either state or federal law.

28 (2) A certified behavioral health consumer advocate may not have  
29 been employed by any behavioral health provider or facility within  
30 the previous twelve months, except as a certified peer specialist or  
31 where prior to the effective date of this section the person has been  
32 employed by a regional behavioral health consumer advocate.

33 (3) No certified behavioral health consumer advocate or any  
34 member of a certified behavioral health consumer advocate's family  
35 may have, or have had, within the previous twelve months, any  
36 significant ownership or financial interest in the provision of  
37 behavioral health services.

1        NEW SECTION.    **Sec. 10.**    (1) The contracting advocacy organization  
2 shall develop and submit for approval by the office referral  
3 procedures for the organization and all certified behavioral health  
4 consumer advocates to refer any complaint, in accordance with a  
5 mutually established working agreement, to an appropriate state or  
6 local government agency. The appropriate agency shall respond to any  
7 complaint referred to it by a certified behavioral health consumer  
8 advocate, in accordance with a mutually established working  
9 agreement.

10        (2) State agencies shall review a complaint against a behavioral  
11 health provider or facility which was referred to it by a certified  
12 behavioral health consumer advocate, in accordance with a mutually  
13 established working agreement, and shall forward to that certified  
14 behavioral health consumer advocate a summary of the results of the  
15 review or investigation and action proposed or taken.

16        (3) State agencies that regulate or contract with behavioral  
17 health providers or facilities shall adopt necessary rules to  
18 effectively work in coordination with the contracting advocacy  
19 organization.

20        NEW SECTION.    **Sec. 11.**    (1) The contracting advocacy organization  
21 shall develop and implement working agreements with the protection  
22 and advocacy agency, the long-term care ombuds, the developmental  
23 disabilities ombuds, the corrections ombuds, and the children and  
24 family ombuds, and work in cooperation to assure efficient,  
25 coordinated service.

26        (2) The contracting advocacy organization shall develop working  
27 agreements with each managed care organization, behavioral health  
28 administrative services organization, the state psychiatric  
29 hospitals, all appropriate state and local agencies, and other such  
30 entities as necessary to carry out their duties. Working agreements  
31 must include:

32        (a) The roles of the contracting advocacy organization and the  
33 agency or entity in complaint investigations, complaint referral  
34 criteria, and a process for sharing information regarding complaint  
35 review and investigation, as appropriate; and

36        (b) Processes and procedures to assure timely and seamless  
37 information sharing among all interested parties and that the  
38 contracting advocacy organization is responsive to all local  
39 information requests.

1        NEW SECTION.        **Sec. 12.**        (1) No certified behavioral health  
2 consumer advocate is liable for good faith performance of  
3 responsibilities under this chapter.

4        (2) No discriminatory, disciplinary, or retaliatory action may be  
5 taken against an employee or volunteer of a behavioral health  
6 provider or facility, or a patient, resident, or client of a  
7 behavioral health provider or facility, for any communication made,  
8 or information given or disclosed, to aid the certified behavioral  
9 health consumer advocate in carrying out duties and responsibilities  
10 under this chapter, unless the same was done maliciously or without  
11 good faith. This subsection is not intended to infringe on the rights  
12 of the employer to supervise, discipline, or terminate an employee or  
13 volunteer for other reasons, and shall serve as a defense to any  
14 action in libel or slander.

15        (3) All communications by a certified behavioral health consumer  
16 advocate, if reasonably related to the requirements of that  
17 individual's responsibilities under this chapter and done in good  
18 faith, are privileged and confidential, subject to the procedures  
19 established by the office.

20        (4) A representative of the contracting advocacy organization is  
21 exempt from being required to testify in court as to any confidential  
22 matters except upon the express consent of the client, resident, or  
23 patient that is subject to the court proceedings, or their  
24 representatives, as applicable.

25        NEW SECTION.        **Sec. 13.**        It is the intent of the legislature that:

26        (1) Regional behavioral health ombuds programs existing prior to  
27 this act be integrated into this new statewide program and the ombuds  
28 from those programs be assessed and certified by the contracting  
29 advocacy organization as behavioral health consumer advocates, and  
30 for the state office of behavioral health consumer advocacy to  
31 provide the regional behavioral health ombuds programs with any  
32 additional training they may need to meet the requirements of section  
33 5 of this act;

34        (2) There shall be a behavioral health consumer advocate office  
35 within the boundaries of the region served by each behavioral health  
36 administrative services organization;

37        (3) Federal medicaid requirements be complied with; and

38        (4) The department annually expend at least the amount expended  
39 on regional behavioral health ombuds services prior to the effective

1 date of this section on the office and for the procurement of  
2 services from the contracting advocacy organization under this  
3 chapter.

4 NEW SECTION. **Sec. 14.** (1) All records and files of the office,  
5 the contracting advocacy organization, and any certified behavioral  
6 health consumer advocates related to any complaint or investigation  
7 made pursuant to carrying out their duties and the identities of  
8 complainants, witnesses, patients, residents, or clients and  
9 information that could reasonably identify any of these individuals  
10 shall remain confidential unless disclosure is authorized in writing  
11 by the subject of the information, or the subject's guardian or legal  
12 representative.

13 (2) No disclosures of records and files related to a complaint or  
14 investigation may be made to any organization or individual outside  
15 the office or the contracting advocacy organization without the  
16 written consent of any named witnesses, complainants, patients,  
17 residents, or clients unless the disclosure is made without the  
18 identity of any of these individuals and without information that  
19 could reasonably identify any of these individuals unless such  
20 disclosure is required in carrying out its duties under this chapter.

21 (3) Notwithstanding subsections (1) and (2) of this section,  
22 disclosures of records and files may be made pursuant to a court  
23 order.

24 (4) All disclosures must be compliant with state and federal  
25 privacy laws applicable to the type of information that is sought for  
26 disclosure.

27 **Sec. 15.** RCW 71.24.045 and 2019 c 325 s 1008 are each amended to  
28 read as follows:

29 (1) The behavioral health administrative services organization  
30 contracted with the authority pursuant to RCW 71.24.381 shall:

31 (a) Administer crisis services for the assigned regional service  
32 area. Such services must include:

33 (i) A behavioral health crisis hotline for its assigned regional  
34 service area;

35 (ii) Crisis response services twenty-four hours a day, seven days  
36 a week, three hundred sixty-five days a year;

37 (iii) Services related to involuntary commitments under chapters  
38 71.05 and 71.34 RCW;

1 (iv) Additional noncrisis behavioral health services, within  
2 available resources, to individuals who meet certain criteria set by  
3 the authority in its contracts with the behavioral health  
4 administrative services organization. These services may include  
5 services provided through federal grant funds, provisos, and general  
6 fund state appropriations;

7 (v) Care coordination, diversion services, and discharge planning  
8 for nonmedicaid individuals transitioning from state hospitals or  
9 inpatient settings to reduce rehospitalization and utilization of  
10 crisis services, as required by the authority in contract; and

11 (vi) Regional coordination, cross-system and cross-jurisdiction  
12 coordination with tribal governments, and capacity building efforts,  
13 such as supporting the behavioral health advisory board(~~(the~~  
14 ~~behavioral health ombuds,~~) and efforts to support access to services  
15 or to improve the behavioral health system;

16 (b) Administer and provide for the availability of an adequate  
17 network of evaluation and treatment services to ensure access to  
18 treatment, investigation, transportation, court-related, and other  
19 services provided as required under chapter 71.05 RCW;

20 (c) Coordinate services for individuals under RCW 71.05.365;

21 (d) Administer and provide for the availability of resource  
22 management services, residential services, and community support  
23 services as required under its contract with the authority;

24 (e) Contract with a sufficient number, as determined by the  
25 authority, of licensed or certified providers for crisis services and  
26 other behavioral health services required by the authority;

27 (f) Maintain adequate reserves or secure a bond as required by  
28 its contract with the authority;

29 (g) Establish and maintain quality assurance processes;

30 (h) Meet established limitations on administrative costs for  
31 agencies that contract with the behavioral health administrative  
32 services organization; and

33 (i) Maintain patient tracking information as required by the  
34 authority.

35 (2) The behavioral health administrative services organization  
36 must collaborate with the authority and its contracted managed care  
37 organizations to develop and implement strategies to coordinate care  
38 with tribes and community behavioral health providers for individuals  
39 with a history of frequent crisis system utilization.

1 (3) The behavioral health administrative services organization  
2 shall:

3 (a) Assure that the special needs of minorities, older adults,  
4 individuals with disabilities, children, and low-income persons are  
5 met;

6 (b) Collaborate with local government entities to ensure that  
7 policies do not result in an adverse shift of persons with mental  
8 illness into state and local correctional facilities; and

9 (c) Work with the authority to expedite the enrollment or  
10 reenrollment of eligible persons leaving state or local correctional  
11 facilities and institutions for mental diseases.

12 **Sec. 16.** RCW 71.24.380 and 2019 c 325 s 1022 are each amended to  
13 read as follows:

14 (1) The director shall purchase behavioral health services  
15 primarily through managed care contracting, but may continue to  
16 purchase behavioral health services directly from providers serving  
17 medicaid clients who are not enrolled in a managed care organization.

18 (2) The director shall require that contracted managed care  
19 organizations have a sufficient network of providers to provide  
20 adequate access to behavioral health services for residents of the  
21 regional service area that meet eligibility criteria for services,  
22 and for maintenance of quality assurance processes. Contracts with  
23 managed care organizations must comply with all federal medicaid and  
24 state law requirements related to managed health care contracting,  
25 including RCW 74.09.522.

26 (3) A managed care organization must contract with the  
27 authority's selected behavioral health administrative services  
28 organization for the assigned regional service area for the  
29 administration of crisis services. The contract shall require the  
30 managed care organization to reimburse the behavioral health  
31 administrative services organization for behavioral health crisis  
32 services delivered to individuals enrolled in the managed care  
33 organization.

34 (4) A managed care organization must contract with the  
35 contracting advocacy organization selected by the state office of  
36 behavioral health consumer advocacy established in section 3 of this  
37 act for the provision of behavioral health consumer advocacy services  
38 delivered to individuals enrolled in the managed care organization.  
39 The contract shall require the managed care organization to reimburse

1 the office of behavioral health consumer advocacy for behavioral  
2 health consumer advocacy services delivered to individuals enrolled  
3 in the managed care organization.

4 (5) A managed care organization must collaborate with the  
5 authority and its contracted behavioral health administrative  
6 services organization to develop and implement strategies to  
7 coordinate care with tribes and community behavioral health providers  
8 for individuals with a history of frequent crisis system utilization.

9 ((+5)) (6) A managed care organization must work closely with  
10 designated crisis responders, behavioral health administrative  
11 services organizations, and behavioral health providers to maximize  
12 appropriate placement of persons into community services, ensuring  
13 the client receives the least restrictive level of care appropriate  
14 for their condition. Additionally, the managed care organization  
15 shall work with the authority to expedite the enrollment or  
16 reenrollment of eligible persons leaving state or local correctional  
17 facilities and institutions for mental diseases.

18 ((+6)) (7) As an incentive to county authorities to become early  
19 adopters of fully integrated purchasing of medical and behavioral  
20 health services, the standards adopted by the authority shall provide  
21 for an incentive payment to counties which elect to move to full  
22 integration by January 1, 2016. Subject to federal approval, the  
23 incentive payment shall be targeted at ten percent of savings  
24 realized by the state within the regional service area in which the  
25 fully integrated purchasing takes place. Savings shall be calculated  
26 in alignment with the outcome and performance measures established in  
27 RCW 71.24.435, 70.320.020, and 71.36.025, and incentive payments for  
28 early adopter counties shall be made available for up to a six-year  
29 period, or until full integration of medical and behavioral health  
30 services is accomplished statewide, whichever comes sooner, according  
31 to rules to be developed by the authority.

32 NEW SECTION. **Sec. 17.** RCW 71.24.350 (Behavioral health ombuds  
33 office) and 2019 c 325 s 1020, 2018 c 201 s 4019, 2016 sp.s. c 29 s  
34 523, 2014 c 225 s 41, 2013 c 23 s 189, & 2005 c 504 s 803 are each  
35 repealed.

36 NEW SECTION. **Sec. 18.** Sections 1 through 14 of this act  
37 constitute a new chapter in Title 71 RCW.

1        NEW SECTION.    **Sec. 19.**    Sections 15 through 17 of this act take  
2 effect October 1, 2022.

3        NEW SECTION.    **Sec. 20.**    If specific funding for the purposes of  
4 this act, referencing this act by bill or chapter number, is not  
5 provided by June 30, 2021, in the omnibus appropriations act, this  
6 act is null and void.

Passed by the House April 13, 2021.

Passed by the Senate April 7, 2021.

Approved by the Governor May 10, 2021.

Filed in Office of Secretary of State May 10, 2021.

--- **END** ---