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2021

SECOND SUBSTITUTE HOUSE BILL 2245

State of Washington 68th Legislature 2024 Regular Session

By House Appropriations (originally sponsored by Representatives Bronoske, Eslick, Ramel, Senn, Reed, Macri, Leavitt, and Davis)

READ FIRST TIME 02/05/24.

- AN ACT Relating to establishing co-response services and training as an essential component of the crisis care continuum; amending RCW
- 3 71.24.905; reenacting RCW 71.24.025; adding new sections to chapter
- 4 71.24 RCW; and creating new sections.
- 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- NEW SECTION. Sec. 1. The goals of co-response are to deescalate situations, divert people from criminal justice and emergency medical systems, and bring medical and behavioral health care into the field to serve vulnerable populations.
 - During the 2022 legislative session, the legislature passed Substitute Senate Bill No. 5644 which, among other tasks, required a behavioral health landscape analysis. The analysis showed that over 60 co-response teams are currently operating across the state with gaps in funding and services among various regions as well as siloed systems of crisis response between 911 and 988.
 - The legislature recognizes that there is a need for high acuity first response services for people experiencing behavioral health emergencies as the 988 hotline and behavioral health crisis response systems develop. To help address this need, 911 and 988 personnel must work together to create a seamless crisis care delivery system for individuals in crisis. The 911 co-response teams respond to

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behavioral health emergencies and other complex needs at the nexus of health and behavioral health. First responders are critical to the provision of medical care in the field and ongoing case management and follow-up services, and they fill gaps in care when there are no mobile crisis teams available.

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The legislature recognizes the need for high quality training and certification, workforce development, and peer support to enhance regional collaboration. High quality training and regional collaboration are essential for co-response service delivery to be optimized due to discrepancies in current program efficacy and outcomes. Behavioral health workforce shortages impact co-response, and the nature of the work is challenging as critical incidents happen regularly.

- NEW SECTION. Sec. 2. A new section is added to chapter 71.24
 RCW to read as follows:
 - (1) The University of Washington school of social work shall establish a pilot program to administer a co-response education training academy resulting in a certification in co-response best practices in three behavioral health administrative service organizations with a significant co-response footprint. The co-response education training academy shall be expanded to all 10 behavioral health administrative service organizations by 2026. The certification shall be optional and may not serve as an additional requirement for licensure for first responders or licensed human services professionals.
 - (2) The University of Washington school of social work shall explore, in collaboration with the department, the development of a credential for licensure for behavioral health co-responders.
- 29 (3) The University of Washington school of social work may 30 provide grants to small and rural co-response programs for staff to 31 attend the training to offset increased costs associated with sending 32 staff to training.
- NEW SECTION. Sec. 3. A new section is added to chapter 71.24 RCW to read as follows:
- 35 The University of Washington school of social work shall explore 36 the feasibility of collaborations across the state's institutions of 37 higher education to develop a crisis training certificate for

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- 1 associate, bachelor, and master's degree candidates who want to
- 2 become crisis responders.

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- 3 <u>NEW SECTION.</u> **Sec. 4.** A new section is added to chapter 71.24 4 RCW to read as follows:
- The University of Washington school of social work shall collaborate with a statewide organization focused on co-response outreach to develop and pilot a statewide internal peer support program designed to assist co-response professionals who have faced life-threatening or traumatic incidents that occur while on the job.
- 10 **Sec. 5.** RCW 71.24.025 and 2023 c 454 s 1 and 2023 c 433 s 1 are each reenacted and amended to read as follows:
- Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.
 - (1) "23-hour crisis relief center" means a community-based facility or portion of a facility serving adults, which is licensed or certified by the department of health and open 24 hours a day, seven days a week, offering access to mental health and substance use care for no more than 23 hours and 59 minutes at a time per patient, and which accepts all behavioral health crisis walk-ins drop-offs from first responders, and individuals referred through the 988 system regardless of behavioral health acuity, and meets the requirements under RCW 71.24.916.
 - (2) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.
 - (3) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:
- 29 (a) A mental disorder as defined in RCW 71.05.020 or, in the case 30 of a child, as defined in RCW 71.34.020;
- 31 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the 32 case of a child, a gravely disabled minor as defined in RCW 33 71.34.020; or
- 34 (c) Presenting a likelihood of serious harm as defined in RCW 35 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.
- 36 (4) "Alcoholism" means a disease, characterized by a dependency 37 on alcoholic beverages, loss of control over the amount and 38 circumstances of use, symptoms of tolerance, physiological or

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psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

- (5) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.
 - (6) "Authority" means the Washington state health care authority.
- (7) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.
- (8) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.
- (9) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 16161 and RCW 43.71B.010 (7) and (8).
- (10) "Behavioral health provider" means a person licensed under chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.
- (11) "Behavioral health services" means mental health services, substance use disorder treatment services, and co-occurring disorder treatment services as described in this chapter and chapter 71.36 RCW that, depending on the type of service, are provided by licensed or

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certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

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

- (13) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:
- (a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or
- (b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or
- (c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.
- (14) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.
- (15) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.
- (16) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.
- (17) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation,

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legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

- (18) "Community-based crisis team" means a team that is part of an emergency medical services agency, a fire service agency, a public health agency, a medical facility, a nonprofit crisis response provider, or a city or county government entity, other than a law enforcement agency, that provides the on-site community-based interventions of a mobile rapid response crisis team for individuals who are experiencing a behavioral health crisis.
- (19) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.
- (20) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.
- (21) "Crisis stabilization services" means services such as 23-hour crisis relief centers, crisis stabilization units, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs, or determine the need for involuntary hospitalization of an individual.
- 33 (22) "Crisis stabilization unit" has the same meaning as under 34 RCW 71.05.020.
 - (23) "Department" means the department of health.
 - (24) "Designated 988 contact hub" means a state-designated contact center that streamlines clinical interventions and access to resources for people experiencing a behavioral health crisis and participates in the national suicide prevention lifeline network to

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- respond to statewide or regional 988 contacts that meets the requirements of RCW 71.24.890.
- 3 (25) "Designated crisis responder" has the same meaning as in RCW 71.05.020.
 - (26) "Director" means the director of the authority.

- (27) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.
- (28) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(7).
- (29) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (30) of this section.
- (30) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.
- (31) "First responders" includes ambulance, fire, mobile rapid response crisis team, coresponder team, designated crisis responder, fire department mobile integrated health team, community assistance referral and education services program under RCW 35.21.930, and law enforcement personnel.
- (32) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

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(33) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

- (34) "Licensed or certified behavioral health agency" means:
- (a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;
- (b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or
- (c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.
- (35) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.
- (36) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.
- (37) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.
- (38) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.
- 39 (39) Mental health "treatment records" include registration and 40 all other records concerning persons who are receiving or who at any

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- time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.
- 9 (40) "Mentally ill persons," "persons who are mentally ill," and 10 "the mentally ill" mean persons and conditions defined in subsections 11 (3), (13), (48), and (49) of this section.

- (41) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.
- (42) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.
 - (43) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (30) of this section but does not meet the full criteria for evidence-based.
- (44) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also

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include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

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- (45) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.
- "Resource management services" mean the planning, (46)coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.
 - (47) "Secretary" means the secretary of the department of health.
 - (48) "Seriously disturbed person" means a person who:
- (a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;
- (b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;
- 39 (c) Has a mental disorder which causes major impairment in 40 several areas of daily living;

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- (d) Exhibits suicidal preoccupation or attempts; or
- (e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.
 - (49) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:
- 15 (a) Has undergone inpatient treatment or placement outside of the 16 home related to a mental disorder within the last two years;
 - (b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;
 - (c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;
 - (d) Is at risk of escalating maladjustment due to:
- 23 (i) Chronic family dysfunction involving a caretaker who is 24 mentally ill or inadequate;
 - (ii) Changes in custodial adult;
- (iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;
 - (iv) Subject to repeated physical abuse or neglect;
 - (v) Drug or alcohol abuse; or
- 32 (vi) Homelessness.

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- 33 (50) "State minimum standards" means minimum requirements 34 established by rules adopted and necessary to implement this chapter 35 by:
 - (a) The authority for:
- 37 (i) Delivery of mental health and substance use disorder 38 services; and
 - (ii) Community support services and resource management services;
- 40 (b) The department of health for:

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- (i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;
- (ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and
 - (iii) Residential services.

- (51) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.
- 13 (52) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.
 - (53) "Co-response" means a multidisciplinary partnership between first responders and human services professionals that responds to emergency situations involving behavioral or mental health crises and people experiencing complex medical needs. First responders include public safety telecommunicators, law enforcement officers, firefighters, emergency medical technicians, and paramedics. Human services professionals include social workers, behavioral health clinicians, advanced registered nurse practitioners, registered nurses, community health workers, and peer support specialists. Co-responders may provide call-for-service crisis response and follow-up care including case management, resource navigation, and transportation.
- **Sec. 6.** RCW 71.24.905 and 2022 c 232 s 2 are each amended to 28 read as follows:
 - (1) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington school of social work shall, in consultation and collaboration with the co-responder outreach alliance and other stakeholders as appropriate in the field of co-response:
 - (a) Establish regular opportunities for police, fire, emergency medical services, peer counselors, and behavioral health personnel working in co-response to convene for activities such as training, exchanging information and best practices around the state and nationally, and providing the University of Washington with assistance with activities described in this section;

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(b) Subject to the availability of amounts appropriated for this specific purpose, administer a small budget to help defray costs for training and professional development, which may include expenses related to attending or hosting site visits with experienced coresponse teams;

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- (c) Develop an assessment to be provided to the governor and legislature by June 30, $((\frac{2023}{}))$ 2025, and annually thereafter, describing and analyzing the following:
- 9 (i) Existing capacity and shortfalls across the state in co-10 response teams and the co-response workforce;
- (ii) Current alignment of co-response teams with cities, counties, behavioral health administrative services organizations, and call centers; distribution among police, fire, and EMS-based coresponse models; and desired alignment;
- 15 (iii) Current funding strategies for co-response teams and 16 identification of federal funding opportunities;
 - (iv) Current data systems utilized and an assessment of their effectiveness for use by co-responders, program planners, and policymakers;
 - (v) Current training practices and identification of future state training practices;
 - (vi) Alignment with designated crisis responder activities;
 - (vii) Recommendations concerning best practices to prepare coresponders to achieve objectives and meet future state crisis system needs, including those of the 988 system;
 - (viii) Recommendations to align co-responder activities with efforts to reform ways in which persons experiencing a behavioral health crisis interact with the criminal justice system; and
- 29 (ix) Assessment of training and educational needs for current and 30 future co-responder workforce;
- 31 (d) Beginning in calendar year 2023, begin development of model 32 training curricula for individuals participating in co-response 33 teams; and
- (e) Beginning in calendar year 2023, host an annual statewide conference that draws state and national co-responders. The University of Washington school of social work shall collaborate with stakeholders in the field of co-response to increase the capacity of the annual retreat to make it available to crisis responders across a variety of programs.

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(2) Stakeholders in the field of co-response may include, but are not limited to, the Washington association of designated crisis responders; state associations representing police, fire, and emergency medical services personnel; the Washington council on behavioral health; the state ((enhanced)) 911 system; 988 crisis call centers; and the peer workforce alliance.

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NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void.

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