

CERTIFICATION OF ENROLLMENT

SENATE BILL 5228

68th Legislature
2023 Regular Session

Passed by the Senate March 7, 2023
Yeas 48 Nays 0

President of the Senate

Passed by the House April 7, 2023
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5228** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5228

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senators Dhingra, Hunt, Keiser, Lovelett, Lovick, Nguyen, Valdez,
and C. Wilson

Read first time 01/10/23. Referred to Committee on Health & Long
Term Care.

1 AN ACT Relating to providing occupational therapy services for
2 persons with behavioral health disorders; amending RCW 71.24.385; and
3 creating a new section.

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

5 **Sec. 1.** RCW 71.24.385 and 2022 c 94 s 1 are each amended to read
6 as follows:

7 (1) Within funds appropriated by the legislature for this
8 purpose, behavioral health administrative services organizations and
9 managed care organizations, as applicable, shall develop the means to
10 serve the needs of people:

11 (a) With mental disorders residing within the boundaries of their
12 regional service area. Elements of the program may include:

13 (i) Crisis diversion services;

14 (ii) Evaluation and treatment and community hospital beds;

15 (iii) Residential treatment;

16 (iv) Programs for intensive community treatment;

17 (v) Outpatient services, including family support;

18 (vi) Peer support services;

19 (vii) Community support services;

20 (viii) Resource management services;

21 (ix) Occupational therapy;

1 (x) Partial hospitalization and intensive outpatient programs for
2 persons under 21 years of age; and

3 (~~(x)~~) (xi) Supported housing and supported employment services.

4 (b) With substance use disorders and their families, people
5 incapacitated by alcohol or other psychoactive chemicals, and
6 intoxicated people.

7 (i) Elements of the program shall include, but not necessarily be
8 limited to, a continuum of substance use disorder treatment services
9 that includes:

10 (A) Withdrawal management;

11 (B) Residential treatment; and

12 (C) Outpatient treatment.

13 (ii) The program may include peer support, supported housing,
14 supported employment, crisis diversion, recovery support services,
15 occupational therapy, or technology-based recovery supports.

16 (iii) The authority may contract for the use of an approved
17 substance use disorder treatment program or other individual or
18 organization if the director considers this to be an effective and
19 economical course to follow.

20 (2) (a) The managed care organization and the behavioral health
21 administrative services organization shall have the flexibility,
22 within the funds appropriated by the legislature for this purpose and
23 the terms of their contract, to design the mix of services that will
24 be most effective within their service area of meeting the needs of
25 people with behavioral health disorders and avoiding placement of
26 such individuals at the state mental hospital. Managed care
27 organizations and behavioral health administrative services
28 organizations are encouraged to maximize the use of evidence-based
29 practices and alternative resources with the goal of substantially
30 reducing and potentially eliminating the use of institutions for
31 mental diseases.

32 (b) Managed care organizations and behavioral health
33 administrative services organizations may allow reimbursement to
34 providers for services delivered through a partial hospitalization or
35 intensive outpatient program. Such payment and services are distinct
36 from the state's delivery of wraparound with intensive services under
37 the *T.R. v. Strange and Birch* settlement agreement.

38 (3) (a) Treatment provided under this chapter must be purchased
39 primarily through managed care contracts.

1 (b) Consistent with RCW 71.24.580, services and funding provided
2 through the criminal justice treatment account are intended to be
3 exempted from managed care contracting.

4 NEW SECTION. **Sec. 2.** By June 30, 2024, the Washington state
5 health care authority shall expand coverage in the state medicaid
6 program to ensure that licensed or certified behavioral health
7 agencies are reimbursed by managed care organizations for the
8 medically necessary occupational therapy needs of their clients.

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