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SENATE BILL 6312

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Darneille, Hargrove, Rolfes, McAuliffe, Ranker, Conway, Cleveland, Fraser, McCoy, Keiser, and Kohl-Welles; by request of Governor Inslee

Read first time 01/20/14. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to state purchasing of mental health and chemical  
2 dependency treatment services; 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.

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

9 **Sec. 1.** 2013 c 338 s 1 (uncodified) is amended to read as follows:  
10 (1)(a) Beginning (~~May~~) February 1, 2014, the legislature shall  
11 convene a task force to examine reform of the adult behavioral health  
12 system, with voting members as provided in this subsection.  
13 (i) The president of the senate shall appoint one member from each  
14 of the two largest caucuses of the senate.  
15 (ii) The speaker of the house of representatives shall appoint one  
16 member from each of the two largest caucuses in the house of  
17 representatives.  
18 (iii) The governor shall appoint five members consisting of the  
19 secretary of the department of social and health services or the

1 secretary's designee, the director of the health care authority or the  
2 director's designee, the director of the office of financial management  
3 or the director's designee, the secretary of the department of  
4 corrections or the secretary's designee, and a representative of the  
5 governor.

6 (iv) The Washington state association of counties shall appoint  
7 three members.

8 (v) The governor shall request participation by a representative of  
9 tribal governments.

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

12 (c) The task force shall adopt a bottom-up approach and welcome  
13 input and participation from all stakeholders interested in the  
14 improvement of the adult behavioral health system. To that end, the  
15 task force must invite participation from, at a minimum, the following:  
16 Behavioral health service recipients and their families; local  
17 government; representatives of regional support networks;  
18 representatives of county coordinators; law enforcement; city and  
19 county jails; tribal representatives; behavioral health service  
20 providers; housing providers; labor representatives; counties with  
21 state hospitals; mental health advocates; public defenders with  
22 involuntary mental health commitment or mental health court experience;  
23 medicaid managed care plan representatives; long-term care service  
24 providers; the Washington state hospital association; and individuals  
25 with expertise in evidence-based and research-based behavioral health  
26 service practices. Leadership of subcommittees formed by the task  
27 force may be drawn from this body of invited participants.

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

31 (a) The means by which services are purchased and delivered for  
32 adults with mental illness and chemical dependency disorders through  
33 the department of social and health services and the health care  
34 authority, including:

35 (i) Guidance for the creation of common regional service areas for  
36 purchasing behavioral health and medical care services by the  
37 department and the authority, taking into consideration any proposal

1 submitted by the Washington state association of counties under section  
2 2 of this act;

3 (ii) Recommendations related to the design and requirements of  
4 future medicaid behavioral health and health care delivery systems and  
5 purchasing; and

6 (iii) Advice regarding state interactions with the federal centers  
7 for medicare and medicaid services regarding Washington state's method  
8 of purchasing medicaid mental health services;

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

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

13 (d) Best practices for cross-system collaboration between  
14 behavioral health treatment providers, medical care providers, long-  
15 term care service providers, entities providing health home services to  
16 high-risk medicaid clients, law enforcement, and criminal justice  
17 agencies; and

18 (e) Public safety practices involving persons with mental illness  
19 with forensic involvement.

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

23 (4) Legislative members of the task force must be reimbursed for  
24 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
25 members, except those representing an employer or organization, are  
26 entitled to be reimbursed for travel expenses in accordance with RCW  
27 43.03.050 and 43.03.060.

28 (5) The expenses of the task force must be paid jointly by the  
29 senate and house of representatives. Task force expenditures are  
30 subject to approval by the senate facilities and operations committee  
31 and the house of representatives executive rules committee, or their  
32 successor committees.

33 (6) The task force shall report its findings and recommendations to  
34 the governor and the appropriate committees of the legislature by  
35 January 1, 2015, except that recommendations under subsection (2)(a)(i)  
36 of this section must be submitted to the governor by August 1, 2014,  
37 and recommendations under subsection (2)(a)(ii) and (iii) of this  
38 section must be submitted to the governor by September 1, 2014.

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

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

4 (1) The department and the health care authority shall jointly  
5 establish regional service areas by September 1, 2014, as provided in  
6 this section.

7 (2) Counties, through the Washington state association of counties,  
8 must be given the opportunity to propose the composition of no more  
9 than nine regional service areas. Each service area must:

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

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

14 (c) Reflect natural medical and behavioral health service referral  
15 patterns and shared clinical, health care service, behavioral health  
16 service, and behavioral health crisis response resources.

17 (3) The Washington state association of counties must submit their  
18 recommendations to the department, the health care authority, and the  
19 task force described in section 1 of this act on or before July 1,  
20 2014.

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

23 (1) Any agreement or contract by the department or the health care  
24 authority to provide behavioral health services as defined under RCW  
25 71.24.025 to persons eligible for benefits under medicaid, Title XIX of  
26 the social security act, and to persons not eligible for medicaid must  
27 include the following:

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

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

33 (c) Accountability for the client outcomes established in RCW  
34 43.20A.895 and 71.36.025 and performance measures linked to those  
35 outcomes;

1 (d) Standards requiring regional support networks to maintain a  
2 network of appropriate providers that is supported by written  
3 agreements sufficient to provide adequate access to all services  
4 covered under the contract with the department or the health care  
5 authority and to protect essential existing behavioral health system  
6 infrastructure and capacity;

7 (e) Standards requiring the use of behavioral health service  
8 provider reimbursement methods that incentivize improved performance  
9 with respect to the client outcomes established in RCW 43.20A.895 and  
10 71.36.025, integration of behavioral health and primary care services  
11 at the clinical level, and improved care coordination for individuals  
12 with complex care needs;

13 (f) Standards related to the financial integrity of the responding  
14 organization. The department shall adopt rules establishing the  
15 solvency requirements and other financial integrity standards for  
16 regional support networks. This subsection does not limit the  
17 authority of the department to take action under a contract upon  
18 finding that a regional support network's financial status seriously  
19 jeopardizes the organization's ability to meet its contractual  
20 obligations;

21 (g) Mechanisms for monitoring performance under the contract and  
22 remedies for failure to substantially comply with the requirements of  
23 the contract including, but not limited to, financial penalties,  
24 termination of the contract, receivership, and reprocurement of the  
25 contract;

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

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

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

34 (a) Demonstrated commitment and experience in serving low-income  
35 populations;

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

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

5 (d) Recognition that meeting enrollees' physical and behavioral  
6 health care needs is a shared responsibility of contracted regional  
7 support networks, managed health care systems, service providers, the  
8 state, and communities, and that the delivery of better integrated,  
9 person-centered care requires the full spectrum of an individual's  
10 health care needs be addressed;

11 (e) Consideration of past and current performance and participation  
12 in other state or federal behavioral health programs as a contractor;  
13 and

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

15 (3) For purposes of purchasing behavioral health services and  
16 medical care services for persons eligible for benefits under medicaid,  
17 Title XIX of the social security act and for persons not eligible for  
18 medicaid, the department and the health care authority must use common  
19 regional service areas. The regional service areas must be established  
20 by the department and the health care authority as provided in section  
21 2 of this act.

22 (4) Consideration must be given to using multiple-year contracting  
23 periods.

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

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

33 (1) Access to mental health services for adults (~~(of the state who~~  
34 ~~are acutely mentally ill, chronically mentally ill,)) with acute mental  
35 illness, chronic mental illness, or who are seriously disturbed and  
36 children (~~(of the state who are acutely mentally ill)) with acute  
37 mental illness, or who are severely emotionally disturbed, or seriously~~~~

1 disturbed, which services recognize the special needs of underserved  
2 populations, including minorities, children, the elderly, (~~disabled~~)  
3 individuals with disabilities, and low-income persons. Access to  
4 mental health services shall not be limited by a person's history of  
5 confinement in a state, federal, or local correctional facility. It is  
6 also the purpose of this chapter to promote the early identification of  
7 (~~mentally ill~~) children with mental illness and to ensure that they  
8 receive the mental health care and treatment which is appropriate to  
9 their developmental level. This care should improve home, school, and  
10 community functioning, maintain children in a safe and nurturing home  
11 environment, and should enable treatment decisions to be made in  
12 response to clinical needs in accordance with sound professional  
13 judgment while also recognizing parents' rights to participate in  
14 treatment decisions for their children;

15 (2) The involvement of persons with mental illness, their family  
16 members, and advocates in designing and implementing mental health  
17 services that reduce unnecessary hospitalization and incarceration and  
18 promote the recovery and employment of persons with mental illness. To  
19 improve the quality of services available and promote the  
20 rehabilitation, recovery, and reintegration of persons with mental  
21 illness, consumer and advocate participation in mental health services  
22 is an integral part of the community mental health system and shall be  
23 supported;

24 (3) Accountability of efficient and effective services through  
25 state-of-the-art outcome and performance measures and statewide  
26 standards for monitoring client and system outcomes, performance, and  
27 reporting of client and system outcome information. These processes  
28 shall be designed so as to maximize the use of available resources for  
29 direct care of people with a mental illness and to assure uniform data  
30 collection across the state;

31 (4) Minimum service delivery standards;

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

35 (6) Coordination of services within the department, including those  
36 divisions within the department that provide services to children,  
37 between the department and the office of the superintendent of public  
38 instruction, and among state mental hospitals, county authorities,

1 regional support networks, community mental health services, and other  
2 support services, which shall to the maximum extent feasible also  
3 include the families of (~~the mentally ill~~) individuals with mental  
4 illness, and other service providers; and

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

8 It is the policy of the state to encourage the provision of a full  
9 range of treatment and rehabilitation services in the state for mental  
10 disorders including services operated by consumers and advocates. The  
11 legislature intends to encourage the development of regional mental  
12 health services with adequate local flexibility to assure eligible  
13 people in need of care access to the least-restrictive treatment  
14 alternative appropriate to their needs, and the availability of  
15 treatment components to assure continuity of care. To this end,  
16 counties (~~are encouraged to~~) must enter into joint operating  
17 agreements with other counties to form regional systems of care that  
18 are consistent with the regional service areas established under  
19 section 2 of this act. Regional systems of care, whether operated by  
20 a county, group of counties, or another entity shall integrate  
21 planning, administration, and service delivery duties under chapters  
22 71.05 and 71.24 RCW to consolidate administration, reduce  
23 administrative layering, and reduce administrative costs. The  
24 legislature hereby finds and declares that sound fiscal management  
25 requires vigilance to ensure that funds appropriated by the legislature  
26 for the provision of needed community mental health programs and  
27 services are ultimately expended solely for the purpose for which they  
28 were appropriated, and not for any other purpose.

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

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

36 (1) The legislature intends that eastern and western state  
37 hospitals shall operate as clinical centers for handling the most

1 complicated long-term care needs of patients with a primary diagnosis  
2 of mental disorder. It is further the intent of the legislature that  
3 the community mental health service delivery system focus on  
4 maintaining ~~((mentally ill))~~ individuals with mental illness in the  
5 community. The program shall be evaluated and managed through a  
6 limited number of outcome and performance measures ~~((designed to hold  
7 each regional support network accountable for program success))~~, as  
8 provided in RCW 43.20A.895 and 71.36.025.

9 (2) The legislature intends to address the needs of people with  
10 mental disorders with a targeted, coordinated, and comprehensive set of  
11 evidence-based practices that are effective in serving individuals in  
12 their community and will reduce the need for placements in state mental  
13 hospitals. The legislature further intends to explicitly hold regional  
14 support networks accountable for serving people with mental disorders  
15 within the boundaries of their ~~((geographic boundaries))~~ procurement  
16 regions and for not exceeding their allocation of state hospital beds.  
17 Within funds appropriated by the legislature for this purpose, regional  
18 support networks shall develop the means to serve the needs of people  
19 with mental disorders within ~~((their geographic))~~ the boundaries of  
20 their procurement region. Elements of the program may include:

- 21 (a) Crisis ~~((triage))~~ diversion services;
- 22 (b) Evaluation and treatment and community hospital beds;
- 23 (c) Residential beds;
- 24 (d) Programs for community treatment teams; ~~((and))~~
- 25 (e) Outpatient services;
- 26 (f) Peer support services;
- 27 (g) Community support services;
- 28 (h) Resource management services; and
- 29 (i) Supported housing and supported employment services.

30 (3) The regional support network shall have the flexibility, within  
31 the funds appropriated by the legislature for this purpose and the  
32 terms of their contract, to design the mix of services that will be  
33 most effective within their service area of meeting the needs of people  
34 with mental disorders and avoiding placement of such individuals at the  
35 state mental hospital. Regional support networks are encouraged to  
36 maximize the use of evidence-based practices and alternative resources  
37 with the goal of substantially reducing and potentially eliminating the  
38 use of institutions for mental diseases.

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

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

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

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

9       (b) Being gravely disabled as defined in RCW 71.05.020 or, in the  
10 case of a child, a gravely disabled minor as defined in RCW 71.34.020;  
11 or

12       (c) Presenting a likelihood of serious harm as defined in RCW  
13 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

14       (2) "Available resources" means funds appropriated for the purpose  
15 of providing community mental health programs, federal funds, except  
16 those provided according to Title XIX of the Social Security Act, and  
17 state funds appropriated under this chapter or chapter 71.05 RCW by the  
18 legislature during any biennium for the purpose of providing  
19 residential services, resource management services, community support  
20 services, and other mental health services. This does not include  
21 funds appropriated for the purpose of operating and administering the  
22 state psychiatric hospitals.

23       (3) "Behavioral health services" means mental health services as  
24 described in this chapter and chemical dependency treatment services as  
25 described in chapter 70.96A RCW.

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

27       ~~((+4))~~ (5) "Chronically mentally ill adult" or "adult who is  
28 chronically mentally ill" means an adult who has a mental disorder and  
29 meets at least one of the following criteria:

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

32       (b) Has experienced a continuous psychiatric hospitalization or  
33 residential treatment exceeding six months' duration within the  
34 preceding year; or

35       (c) Has been unable to engage in any substantial gainful activity  
36 by reason of any mental disorder which has lasted for a continuous  
37 period of not less than twelve months. "Substantial gainful activity"

1 shall be defined by the department by rule consistent with Public Law  
2 92-603, as amended.

3 ~~((+5))~~ (6) "Clubhouse" means a community-based program that  
4 provides rehabilitation services and is certified by the department of  
5 social and health services.

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

8 ~~((+7))~~ (8) "Community mental health service delivery system" means  
9 public or private agencies that provide services specifically to  
10 persons with mental disorders as defined under RCW 71.05.020 and  
11 receive funding from public sources.

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

28 ~~((+9))~~ (10) "Consensus-based" means a program or practice that has  
29 general support among treatment providers and experts, based on  
30 experience or professional literature, and may have anecdotal or case  
31 study support, or that is agreed but not possible to perform studies  
32 with random assignment and controlled groups.

33 ~~((+10))~~ (11) "County authority" means the board of county  
34 commissioners, county council, or county executive having authority to  
35 establish a community mental health program, or two or more of the  
36 county authorities specified in this subsection which have entered into  
37 an agreement to provide a community mental health program.

1           (~~(11)~~) (12) "Department" means the department of social and  
2 health services.

3           (~~(12)~~) (13) "Designated mental health professional" means a  
4 mental health professional designated by the county or other authority  
5 authorized in rule to perform the duties specified in this chapter.

6           (~~(13)~~) (14) "Emerging best practice" or "promising practice"  
7 means a program or practice that, based on statistical analyses or a  
8 well established theory of change, shows potential for meeting the  
9 evidence-based or research-based criteria, which may include the use of  
10 a program that is evidence-based for outcomes other than those listed  
11 in subsection (~~(14)~~) (15) of this section.

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

21           (~~(15)~~) (16) "Licensed service provider" means an entity licensed  
22 according to this chapter or chapter 71.05 RCW or an entity deemed to  
23 meet state minimum standards as a result of accreditation by a  
24 recognized behavioral health accrediting body recognized and having a  
25 current agreement with the department, that meets state minimum  
26 standards or persons licensed under chapter 18.57, 18.71, 18.83, or  
27 18.79 RCW, as it applies to registered nurses and advanced registered  
28 nurse practitioners.

29           (~~(16)~~) (17) "Long-term inpatient care" means inpatient services  
30 for persons committed for, or voluntarily receiving intensive treatment  
31 for, periods of ninety days or greater under chapter 71.05 RCW. "Long-  
32 term inpatient care" as used in this chapter does not include: (a)  
33 Services for individuals committed under chapter 71.05 RCW who are  
34 receiving services pursuant to a conditional release or a court-ordered  
35 less restrictive alternative to detention; or (b) services for  
36 individuals voluntarily receiving less restrictive alternative  
37 treatment on the grounds of the state hospital.

1        ~~((+17+))~~ (18) "Mental health services" means all services provided  
2 by regional support networks and other services provided by the state  
3 for persons who are mentally ill.

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

8        ~~((+19+))~~ (20) "Recovery" means the process in which people are able  
9 to live, work, learn, and participate fully in their communities.

10       ~~((+20+))~~ (21) "Regional support network" means a county authority  
11 or group of county authorities or other entity recognized by the  
12 secretary in contract in a defined ~~((region))~~ regional service area.

13       ~~((+21+))~~ (22) "Registration records" include all the records of the  
14 department, regional support networks, treatment facilities, and other  
15 persons providing services to the department, county departments, or  
16 facilities which identify persons who are receiving or who at any time  
17 have received services for mental illness.

18       ~~((+22+))~~ (23) "Research-based" means a program or practice that has  
19 been tested with a single randomized, or statistically controlled  
20 evaluation, or both, demonstrating sustained desirable outcomes; or  
21 where the weight of the evidence from a systemic review supports  
22 sustained outcomes as described in subsection ~~((+14+))~~ (15) of this  
23 section but does not meet the full criteria for evidence-based.

24       ~~((+23+))~~ (24) "Residential services" means a complete range of  
25 residences and supports authorized by resource management services and  
26 which may involve a facility, a distinct part thereof, or services  
27 which support community living, for persons who are acutely mentally  
28 ill, adults who are chronically mentally ill, children who are severely  
29 emotionally disturbed, or adults who are seriously disturbed and  
30 determined by the regional support network to be at risk of becoming  
31 acutely or chronically mentally ill. The services shall include at  
32 least evaluation and treatment services as defined in chapter 71.05  
33 RCW, acute crisis respite care, long-term adaptive and rehabilitative  
34 care, and supervised and supported living services, and shall also  
35 include any residential services developed to service persons who are  
36 mentally ill in nursing homes, assisted living facilities, and adult  
37 family homes, and may include outpatient services provided as an  
38 element in a package of services in a supported housing model.

1 Residential services for children in out-of-home placements related to  
2 their mental disorder shall not include the costs of food and shelter,  
3 except for children's long-term residential facilities existing prior  
4 to January 1, 1991.

5 ~~((+24))~~ (25) "Resilience" means the personal and community  
6 qualities that enable individuals to rebound from adversity, trauma,  
7 tragedy, threats, or other stresses, and to live productive lives.

8 ~~((+25))~~ (26) "Resource management services" mean the planning,  
9 coordination, and authorization of residential services and community  
10 support services administered pursuant to an individual service plan  
11 for: (a) Adults and children who are acutely mentally ill; (b) adults  
12 who are chronically mentally ill; (c) children who are severely  
13 emotionally disturbed; or (d) adults who are seriously disturbed and  
14 determined solely by a regional support network to be at risk of  
15 becoming acutely or chronically mentally ill. Such planning,  
16 coordination, and authorization shall include mental health screening  
17 for children eligible under the federal Title XIX early and periodic  
18 screening, diagnosis, and treatment program. Resource management  
19 services include seven day a week, twenty-four hour a day availability  
20 of information regarding enrollment of adults and children who are  
21 mentally ill in services and their individual service plan to  
22 designated mental health professionals, evaluation and treatment  
23 facilities, and others as determined by the regional support network.

24 ~~((+26))~~ (27) "Secretary" means the secretary of social and health  
25 services.

26 ~~((+27))~~ (28) "Seriously disturbed person" means a person who:

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

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

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

36 (d) Exhibits suicidal preoccupation or attempts; or

37 (e) Is a child diagnosed by a mental health professional, as  
38 defined in chapter 71.34 RCW, as experiencing a mental disorder which

1 is clearly interfering with the child's functioning in family or school  
2 or with peers or is clearly interfering with the child's personality  
3 development and learning.

4 ~~((+28+))~~ (29) "Severely emotionally disturbed child" or "child who  
5 is severely emotionally disturbed" means a child who has been  
6 determined by the regional support network to be experiencing a mental  
7 disorder as defined in chapter 71.34 RCW, including those mental  
8 disorders that result in a behavioral or conduct disorder, that is  
9 clearly interfering with the child's functioning in family or school or  
10 with peers and who meets at least one of the following criteria:

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

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

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

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

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

21 (ii) Changes in custodial adult;

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

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

27 (v) Drug or alcohol abuse; or

28 (vi) Homelessness.

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

35 ~~((+30+))~~ (31) "Treatment records" include registration and all  
36 other records concerning persons who are receiving or who at any time  
37 have received services for mental illness, which are maintained by the  
38 department, by regional support networks and their staffs, and by

1 treatment facilities. Treatment records do not include notes or  
2 records maintained for personal use by a person providing treatment  
3 services for the department, regional support networks, or a treatment  
4 facility if the notes or records are not available to others.

5 ~~((31))~~ (32) "Tribal authority," for the purposes of this section  
6 and RCW 71.24.300 only, means: The federally recognized Indian tribes  
7 and the major Indian organizations recognized by the secretary insofar  
8 as these organizations do not have a financial relationship with any  
9 regional support network that would present a conflict of interest.

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

12 (1) The department is designated as the state mental health  
13 authority.

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

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

22 (4) The secretary shall be designated as the regional support  
23 network if the regional support network fails to meet state minimum  
24 standards or refuses to exercise responsibilities under RCW 71.24.045,  
25 until such time as a new regional support network is designated under  
26 RCW 71.24.320.

27 (5) The secretary shall:

28 (a) Develop a biennial state mental health program that  
29 incorporates regional biennial needs assessments and regional mental  
30 health service plans and state services for adults and children with  
31 mental illness(~~(. The secretary shall also develop a six-year state  
32 mental health plan))~~);

33 (b) Assure that any regional support network or county community  
34 mental health program provides (~~(access to treatment for the region's  
35 residents, including parents who are respondents in dependency cases,  
36 in the following order of priority: (i) Persons with acute mental~~

1 illness; ~~(ii) adults with chronic mental illness and children who are~~  
2 ~~severely emotionally disturbed; and (iii) persons who are seriously~~  
3 ~~disturbed. Such programs shall provide:~~

4 ~~(A) Outpatient services;~~

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

6 ~~(C) Day treatment for persons with mental illness which includes~~  
7 ~~training in basic living and social skills, supported work, vocational~~  
8 ~~rehabilitation, and day activities. Such services may include~~  
9 ~~therapeutic treatment. In the case of a child, day treatment includes~~  
10 ~~age-appropriate basic living and social skills, educational and~~  
11 ~~prevocational services, day activities, and therapeutic treatment;~~

12 ~~(D) Screening for patients being considered for admission to state~~  
13 ~~mental health facilities to determine the appropriateness of admission;~~

14 ~~(E) Employment services, which may include supported employment,~~  
15 ~~transitional work, placement in competitive employment, and other work-~~  
16 ~~related services, that result in persons with mental illness becoming~~  
17 ~~engaged in meaningful and gainful full or part-time work. Other~~  
18 ~~sources of funding such as the division of vocational rehabilitation~~  
19 ~~may be utilized by the secretary to maximize federal funding and~~  
20 ~~provide for integration of services;~~

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

22 ~~(G) Community support services))~~ medically necessary services to  
23 medicaid recipients consistent with the state's medicaid state plan or  
24 federal waiver authorities, and nonmedicaid services consistent with  
25 priorities established by the department;

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

29 (i) Licensed service providers. These rules shall permit a county-  
30 operated mental health program to be licensed as a service provider  
31 subject to compliance with applicable statutes and rules. The  
32 secretary shall provide for deeming of compliance with state minimum  
33 standards for those entities accredited by recognized behavioral health  
34 accrediting bodies recognized and having a current agreement with the  
35 department;

36 (ii) Regional support networks; and

37 (iii) Inpatient services, evaluation and treatment services and

1 facilities under chapter 71.05 RCW, resource management services, and  
2 community support services;

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

7 (e) Establish a standard contract or contracts, consistent with  
8 state minimum standards, RCW 71.24.320 and 71.24.330, which shall be  
9 used in contracting with regional support networks. The standard  
10 contract shall include a maximum fund balance, which shall be  
11 consistent with that required by federal regulations or waiver  
12 stipulations;

13 (f) Establish, to the extent possible, a standardized auditing  
14 procedure which is designed to assure compliance with contractual  
15 agreements authorized by this chapter and minimizes paperwork  
16 requirements of regional support networks and licensed service  
17 providers. The audit procedure shall focus on the outcomes of service  
18 ~~((and not the processes for accomplishing them))~~ as provided in RCW  
19 43.20A.895 and 71.36.025;

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

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

29 (i) ~~((Certify regional support networks that meet state minimum~~  
30 ~~standards;~~

31 ~~(+j))~~ Periodically monitor the compliance of certified regional  
32 support networks and their network of licensed service providers for  
33 compliance with the contract between the department, the regional  
34 support network, and federal and state rules at reasonable times and in  
35 a reasonable manner;

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

1       ~~((+l))~~ (k) Monitor and audit regional support networks and  
2 licensed service providers as needed to assure compliance with  
3 contractual agreements authorized by this chapter;

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

6       ~~((+n))~~ (m) Assure the availability of an appropriate amount, as  
7 determined by the legislature in the operating budget by amounts  
8 appropriated for this specific purpose, of community-based,  
9 geographically distributed residential services;

10       ~~((+o))~~ (n) Certify crisis stabilization units that meet state  
11 minimum standards;

12       ~~((+p))~~ (o) Certify clubhouses that meet state minimum standards;  
13 and

14       ~~((+q))~~ (p) Certify triage facilities that meet state minimum  
15 standards.

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

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

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

24       (7) Each certified regional support network and licensed service  
25 provider shall file with the secretary, on request, such data,  
26 statistics, schedules, and information as the secretary reasonably  
27 requires. A certified regional support network or licensed service  
28 provider which, without good cause, fails to furnish any data,  
29 statistics, schedules, or information as requested, or files fraudulent  
30 reports thereof, may have its certification or license revoked or  
31 suspended.

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

36       (9) The superior court may restrain any regional support network or  
37 service provider from operating without certification or a license or  
38 any other violation of this section. The court may also review,

1 pursuant to procedures contained in chapter 34.05 RCW, any denial,  
2 suspension, limitation, restriction, or revocation of certification or  
3 license, and grant other relief required to enforce the provisions of  
4 this chapter.

5 (10) Upon petition by the secretary, and after hearing held upon  
6 reasonable notice to the facility, the superior court may issue a  
7 warrant to an officer or employee of the secretary authorizing him or  
8 her to enter at reasonable times, and examine the records, books, and  
9 accounts of any regional support network or service provider refusing  
10 to consent to inspection or examination by the authority.

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

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

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

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

25 (b) Require administration of the unit by mental health  
26 professionals who direct the stabilization and rehabilitation efforts;  
27 and

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

30 (14) The standards for certification of a clubhouse shall at a  
31 minimum include:

32 (a) The facilities may be peer-operated and must be  
33 recovery-focused;

34 (b) Members and employees must work together;

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

1 (d) Members and staff and ultimately the clubhouse director must be  
2 responsible for the operation of the clubhouse, central to this  
3 responsibility is the engagement of members and staff in all aspects of  
4 clubhouse operations;

5 (e) Clubhouse programs must be comprised of structured activities  
6 including but not limited to social skills training, vocational  
7 rehabilitation, employment training and job placement, and community  
8 resource development;

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

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

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

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

20 (16) The secretary shall assume all duties assigned to the  
21 nonparticipating regional support networks under chapters 71.05 and  
22 71.34 RCW and this chapter. Such responsibilities shall include those  
23 which would have been assigned to the nonparticipating counties in  
24 regions where there are not participating regional support networks.

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

31 (17) The secretary shall:

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

35 (b) Enter into biennial contracts with regional support networks.  
36 The contracts shall be consistent with available resources. No  
37 contract shall be approved that does not include progress toward

1 meeting the goals of this chapter by taking responsibility for: (i)  
2 Short-term commitments; (ii) residential care; and (iii) emergency  
3 response systems.

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

7 (d) Deny all or part of the funding allocations to regional support  
8 networks based solely upon formal findings of noncompliance with the  
9 terms of the regional support network's contract with the department.  
10 Regional support networks disputing the decision of the secretary to  
11 withhold funding allocations are limited to the remedies provided in  
12 the department's contracts with the regional support networks.

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

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

22 The regional support network shall:

23 (1) Contract as needed with licensed service providers. The  
24 regional support network may, in the absence of a licensed service  
25 provider entity, become a licensed service provider entity pursuant to  
26 minimum standards required for licensing by the department for the  
27 purpose of providing services not available from licensed service  
28 providers;

29 (2) Operate as a licensed service provider if it deems that doing  
30 so is more efficient and cost effective than contracting for services.  
31 When doing so, the regional support network shall comply with rules  
32 promulgated by the secretary that shall provide measurements to  
33 determine when a regional support network provided service is more  
34 efficient and cost effective;

35 (3) Monitor and perform biennial fiscal audits of licensed service  
36 providers who have contracted with the regional support network to  
37 provide services required by this chapter. The monitoring and audits

1 shall be performed by means of a formal process which insures that the  
2 licensed service providers and professionals designated in this  
3 subsection meet the terms of their contracts;

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

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

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

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

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

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

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

28 A county authority or a group of county authorities may enter into  
29 a joint operating agreement to form a regional support network whose  
30 boundaries are consistent with the regional service areas established  
31 under section 2 of this act. Any agreement between two or more county  
32 authorities for the establishment of a regional support network shall  
33 provide:

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

36 (2) That the treasurer of one participating county shall be the  
37 custodian of funds made available for the purposes of such mental

1 health services, and that the treasurer may make payments from such  
2 funds upon audit by the appropriate auditing officer of the county for  
3 which he or she is treasurer.

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

6 An agreement (~~((for the establishment of a community mental health  
7 program))~~ to contract with the state to operate a regional support  
8 network under RCW 71.24.100 may also provide:

9 (1) For the joint supervision or operation of services and  
10 facilities, or for the supervision or operation of service and  
11 facilities by one participating county under contract for the other  
12 participating counties; and

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

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

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

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

24 The department shall operate the community mental health service  
25 delivery system authorized under this chapter within the following  
26 constraints:

27 (1) The full amount of federal funds for mental health services,  
28 plus qualifying state expenditures as appropriated in the biennial  
29 operating budget, shall be appropriated to the department each year in  
30 the biennial appropriations act to carry out the provisions of the  
31 community mental health service delivery system authorized in this  
32 chapter.

33 (2) The department may expend funds defined in subsection (1) of  
34 this section in any manner that will effectively accomplish the outcome

1 measures (~~defined in section 5 of this act~~) established in RCW  
2 43.20A.895 and 71.36.025 and performance measures linked to those  
3 outcomes.

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

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

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

12 For the purposes of this chapter the following words and phrases  
13 shall have the following meanings unless the context clearly requires  
14 otherwise:

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

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

22 (3) "Approved treatment program" means a discrete program of  
23 chemical dependency treatment provided by a treatment program certified  
24 by the department of social and health services as meeting standards  
25 adopted under this chapter.

26 (4) "Behavioral health services" means mental health services as  
27 described in chapter 71.24 RCW and chemical dependency treatment  
28 services as described in this chapter.

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

32 ~~((+5))~~ (6) "Chemical dependency program" means expenditures and  
33 activities of the department designed and conducted to prevent or treat  
34 alcoholism and other drug addiction, including reasonable  
35 administration and overhead.

36 ~~((+6))~~ (7) "Department" means the department of social and health  
37 services.

1           ~~((7))~~ (8) "Designated chemical dependency specialist" or  
2 "specialist" means a person designated by the county alcoholism and  
3 other drug addiction program coordinator designated under RCW  
4 70.96A.310 to perform the commitment duties described in RCW 70.96A.140  
5 and qualified to do so by meeting standards adopted by the department.

6           ~~((8))~~ (9) "Director" means the person administering the chemical  
7 dependency program within the department.

8           ~~((9))~~ (10) "Drug addict" means a person who suffers from the  
9 disease of drug addiction.

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

16          ~~((11))~~ (12) "Emergency service patrol" means a patrol established  
17 under RCW 70.96A.170.

18          ~~((12))~~ (13) "Gravely disabled by alcohol or other psychoactive  
19 chemicals" or "gravely disabled" means that a person, as a result of  
20 the use of alcohol or other psychoactive chemicals: (a) Is in danger  
21 of serious physical harm resulting from a failure to provide for his or  
22 her essential human needs of health or safety; or (b) manifests severe  
23 deterioration in routine functioning evidenced by a repeated and  
24 escalating loss of cognition or volitional control over his or her  
25 actions and is not receiving care as essential for his or her health or  
26 safety.

27          ~~((13))~~ (14) "History of one or more violent acts" refers to the  
28 period of time ten years prior to the filing of a petition under this  
29 chapter, excluding any time spent, but not any violent acts committed,  
30 in a mental health facility, or a long-term alcoholism or drug  
31 treatment facility, or in confinement.

32          ~~((14))~~ (15) "Incapacitated by alcohol or other psychoactive  
33 chemicals" means that a person, as a result of the use of alcohol or  
34 other psychoactive chemicals, is gravely disabled or presents a  
35 likelihood of serious harm to himself or herself, to any other person,  
36 or to property.

37          ~~((15))~~ (16) "Incompetent person" means a person who has been  
38 adjudged incompetent by the superior court.

1        ~~((+16+))~~ (17) "Intoxicated person" means a person whose mental or  
2 physical functioning is substantially impaired as a result of the use  
3 of alcohol or other psychoactive chemicals.

4        ~~((+17+))~~ (18) "Licensed physician" means a person licensed to  
5 practice medicine or osteopathic medicine and surgery in the state of  
6 Washington.

7        ~~((+18+))~~ (19) "Likelihood of serious harm" means:

8        (a) A substantial risk that: (i) Physical harm will be inflicted  
9 by an individual upon his or her own person, as evidenced by threats or  
10 attempts to commit suicide or inflict physical harm on one's self; (ii)  
11 physical harm will be inflicted by an individual upon another, as  
12 evidenced by behavior that has caused the harm or that places another  
13 person or persons in reasonable fear of sustaining the harm; or (iii)  
14 physical harm will be inflicted by an individual upon the property of  
15 others, as evidenced by behavior that has caused substantial loss or  
16 damage to the property of others; or

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

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

27        ~~((+20+))~~ (21) "Minor" means a person less than ~~((eighteen))~~  
28 nineteen years of age.

29        ~~((+21+))~~ (22) "Parent" means the parent or parents who have the  
30 legal right to custody of the child. Parent includes custodian or  
31 guardian.

32        ~~((+22+))~~ (23) "Peace officer" means a law enforcement official of  
33 a public agency or governmental unit, and includes persons specifically  
34 given peace officer powers by any state law, local ordinance, or  
35 judicial order of appointment.

36        ~~((+23+))~~ (24) "Person" means an individual, including a minor.

37        ~~((+24+))~~ (25) "Professional person in charge" or "professional  
38 person" means a physician or chemical dependency counselor as defined

1 in rule by the department, who is empowered by a certified treatment  
2 program with authority to make assessment, admission, continuing care,  
3 and discharge decisions on behalf of the certified program.

4 ~~((+25+))~~ (26) "Regional support network" means a county authority,  
5 group of county authorities, or other entity recognized by the  
6 secretary in a defined regional service area.

7 (27) "Secretary" means the secretary of the department of social  
8 and health services.

9 ~~((+26+))~~ (28) "Treatment" means the broad range of emergency,  
10 detoxification, residential, and outpatient services and care,  
11 including diagnostic evaluation, chemical dependency education and  
12 counseling, medical, psychiatric, psychological, and social service  
13 care, vocational rehabilitation and career counseling, which may be  
14 extended to alcoholics and other drug addicts and their families,  
15 persons incapacitated by alcohol or other psychoactive chemicals, and  
16 intoxicated persons.

17 ~~((+27+))~~ (29) "Treatment program" means an organization,  
18 institution, or corporation, public or private, engaged in the care,  
19 treatment, or rehabilitation of alcoholics or other drug addicts.

20 ~~((+28+))~~ (30) "Violent act" means behavior that resulted in  
21 homicide, attempted suicide, nonfatal injuries, or substantial damage  
22 to property.

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

25 The department, in the operation of the chemical dependency program  
26 may:

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

29 (2) Make contracts necessary or incidental to the performance of  
30 its duties and the execution of its powers, including contracts for  
31 behavioral health services, contracts entered into under RCW 74.09.522,  
32 or contracts with public and private agencies, organizations, and  
33 individuals to pay them for services rendered or furnished to  
34 alcoholics or other drug addicts, persons incapacitated by alcohol or  
35 other psychoactive chemicals, or intoxicated persons;

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

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

5 (5) Solicit and accept for use any gift of money or property made  
6 by will or otherwise, and any grant of money, services, or property  
7 from the federal government, the state, or any political subdivision  
8 thereof or any private source, and do all things necessary to cooperate  
9 with the federal government or any of its agencies in making an  
10 application for any grant;

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

15 (7) Coordinate its activities and cooperate with chemical  
16 dependency programs in this and other states, and make contracts and  
17 other joint or cooperative arrangements with state, local, or private  
18 agencies in this and other states for the treatment of alcoholics and  
19 other drug addicts and their families, persons incapacitated by alcohol  
20 or other psychoactive chemicals, and intoxicated persons and for the  
21 common advancement of chemical dependency programs;

22 (8) Keep records and engage in research and the gathering of  
23 relevant statistics;

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

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

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

30 The department shall:

31 (1) Develop, encourage, and foster statewide, regional, and local  
32 plans and programs for the prevention of alcoholism and other drug  
33 addiction, treatment of alcoholics and other drug addicts and their  
34 families, persons incapacitated by alcohol or other psychoactive  
35 chemicals, and intoxicated persons in cooperation with public and  
36 private agencies, organizations, and individuals and provide technical  
37 assistance and consultation services for these purposes;

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

7           (3) Coordinate the efforts and enlist the assistance of all public  
8 and private agencies, organizations, and individuals interested in  
9 prevention of alcoholism and drug addiction, and treatment of  
10 alcoholics and other drug addicts and their families, persons  
11 incapacitated by alcohol or other psychoactive chemicals, and  
12 intoxicated persons;

13           ((+3)) (4) Cooperate with public and private agencies in  
14 establishing and conducting programs to provide treatment for  
15 alcoholics and other drug addicts and their families, persons  
16 incapacitated by alcohol or other psychoactive chemicals, and  
17 intoxicated persons who are clients of the correctional system;

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

26           ((+5)) (6) Prepare, publish, evaluate, and disseminate educational  
27 material dealing with the nature and effects of alcohol and other  
28 psychoactive chemicals and the consequences of their use;

29           ((+6)) (7) Develop and implement, as an integral part of treatment  
30 programs, an educational program for use in the treatment of alcoholics  
31 or other drug addicts, persons incapacitated by alcohol or other  
32 psychoactive chemicals, and intoxicated persons, which program shall  
33 include the dissemination of information concerning the nature and  
34 effects of alcohol and other psychoactive chemicals, the consequences  
35 of their use, the principles of recovery, and HIV and AIDS;

36           ((+7)) (8) Organize and foster training programs for persons  
37 engaged in treatment of alcoholics or other drug addicts, persons

1 incapacitated by alcohol or other psychoactive chemicals, and  
2 intoxicated persons;

3 ~~((+8))~~ (9) Sponsor and encourage research into the causes and  
4 nature of alcoholism and other drug addiction, treatment of alcoholics  
5 and other drug addicts, persons incapacitated by alcohol or other  
6 psychoactive chemicals, and intoxicated persons, and serve as a  
7 clearinghouse for information relating to alcoholism or other drug  
8 addiction;

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

14 ~~((+10))~~ (11) Advise the governor in the preparation of a  
15 comprehensive plan for treatment of alcoholics and other drug addicts,  
16 persons incapacitated by alcohol or other psychoactive chemicals, and  
17 intoxicated persons for inclusion in the state's comprehensive health  
18 plan;

19 ~~((+11))~~ (12) Review all state health, welfare, and treatment plans  
20 to be submitted for federal funding under federal legislation, and  
21 advise the governor on provisions to be included relating to alcoholism  
22 and other drug addiction, persons incapacitated by alcohol or other  
23 psychoactive chemicals, and intoxicated persons;

24 ~~((+12))~~ (13) Assist in the development of, and cooperate with,  
25 programs for alcohol and other psychoactive chemical education and  
26 treatment for employees of state and local governments and businesses  
27 and industries in the state;

28 ~~((+13))~~ (14) Use the support and assistance of interested persons  
29 in the community to encourage alcoholics and other drug addicts  
30 voluntarily to undergo treatment;

31 ~~((+14))~~ (15) Cooperate with public and private agencies in  
32 establishing and conducting programs designed to deal with the problem  
33 of persons operating motor vehicles while intoxicated;

34 ~~((+15))~~ (16) Encourage general hospitals and other appropriate  
35 health facilities to admit without discrimination alcoholics and other  
36 drug addicts, persons incapacitated by alcohol or other psychoactive  
37 chemicals, and intoxicated persons and to provide them with adequate  
38 and appropriate treatment;

1       (~~(16)~~) (17) Encourage all health and disability insurance  
2 programs to include alcoholism and other drug addiction as a covered  
3 illness; and

4       (~~(17)~~) (18) Organize and sponsor a statewide program to help  
5 court personnel, including judges, better understand the disease of  
6 alcoholism and other drug addiction and the uses of chemical dependency  
7 treatment programs.

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

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

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

18       (a) Detoxification;

19       (b) Residential treatment; and

20       (c) Outpatient treatment.

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

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

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

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

32       (2) To be eligible for funds from the department for the support of  
33 the county alcoholism and other drug addiction program, the county  
34 legislative authority shall establish a county alcoholism and other  
35 drug addiction board under RCW 70.96A.300 and appoint a county

1 alcoholism and other drug addiction program coordinator under RCW  
2 70.96A.310.

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

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

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

10 (c) It shall be prepared by the county alcoholism and other drug  
11 addiction program board and be adopted by the county legislative  
12 authority;

13 (d) It shall reflect maximum effective use of existing services and  
14 programs; and

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

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

19 (5) The department shall require that any agreement to provide  
20 financial support to a county that performs the activities of a service  
21 coordination organization for alcoholism and other drug addiction  
22 services must incorporate the expected outcomes and criteria to measure  
23 the performance of service coordination organizations as provided in  
24 chapter 70.320 RCW.

25 (6) The county may subcontract for prevention, early intervention,  
26 or recovery support services with approved prevention or treatment  
27 programs.

28 (7) To continue to be eligible for financial support from the  
29 department for the county alcoholism and other drug addiction program,  
30 an increase in state financial support shall not be used to supplant  
31 local funds from a source that was used to support the county  
32 alcoholism and other drug addiction program before the effective date  
33 of the increase.

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

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

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