

(2) Section 75, chapter 99, Laws of 1979, section 17, chapter 235, Laws of 1983, section 30, chapter 213, Laws of 1985 and RCW 43.131.214.

Passed the Senate March 6, 1986.

Passed the House March 6, 1986.

Approved by the Governor April 3, 1986, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State April 3, 1986.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 1, Senate Bill No. 4506, entitled:

"AN ACT Relating to the state board of health."

Section 1 of this bill would require the Office of Financial Management to conduct a study of the feasibility of consolidating public health and environmental health functions into a single state agency. An extensive study of this issue has already been completed, conducted by a joint committee of the Legislature. Another study of this same topic is unnecessary and would be duplicative. I have, however, directed my Executive Cabinet to review these programs and to develop a plan for a more efficient and effective alignment of public health and environmental health services.

For this reason, I have vetoed this section. With the exception of section 1, Senate Bill No. 4506 is approved."

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## CHAPTER 274

[Substitute Senate Bill No. 4596]

### MENTAL HEALTH SERVICES FOR CHILDREN

AN ACT Relating to community mental health services; amending RCW 71.24.015, 71.24.025, 71.24.035, 71.24.045, and 71.24.155; adding new sections to chapter 71.24 RCW; creating a new section; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 2, chapter 204, Laws of 1982 and RCW 71.24.015 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which provides for:

(1) Access to mental health services for ((residents)) adults and children of the state who are acutely mentally ill, seriously disturbed, or chronically mentally ill, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. It is also the purpose of this chapter to ensure that children in need of mental health care and treatment receive the care and treatment appropriate to their developmental level, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of services through state-wide standards for management, monitoring, and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill; ~~((and))~~

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which may also include the families of the mentally ill, and other service providers; and

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

Sec. 2. Section 3, chapter 204, Laws of 1982 and RCW 71.24.025 are each amended to read as follows:

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

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

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) "Available resources" means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045.

(3) "Licensed service provider" means an entity licensed by the department according to state minimum standards or individuals licensed under chapter 18.71, 18.83, or 18.88 RCW.

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

(5) "Chronically mentally ill person" means a ((person)) child or adult who has a mental disorder, in the case of a child as defined by chapter 71.34 RCW, 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, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services;

(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 department by rule consistent with Public Law 92-603, as amended, and shall include school attendance in the case of a child; or

(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect.

~~((5))~~ (6) "Community mental health program" means all mental health services established by a county authority.

~~((6))~~ (7) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((7))~~ (8) "Department" means the department of social and health services.

~~((8))~~ (9) "Mental health services" means ~~community services pursuant to RCW ((71.24.035(4)(b)))~~ 71.24.035(5)(b) and other services provided by the state for the mentally ill.

~~((9))~~ (10) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), ~~((4))~~ (5), and ~~((11))~~ (12) of this section.

~~((10))~~ (11) "Residential services" means a facility or distinct part thereof which provides food, clothing, and shelter, and may include day treatment services as defined in RCW 71.24.045, for acutely mentally ill, chronically mentally ill, or seriously disturbed persons as defined in this section. Such facilities include, but are not limited to, congregate care facilities providing mental health client services as stipulated by contract with the department beginning January 1, 1982.

~~((11))~~ (12) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

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

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a ~~((minor))~~ child diagnosed by a mental health professional, as defined in RCW 71.05.020, 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.

~~((+2))~~ (13) "Secretary" means the secretary of social and health services.

~~((+3))~~ (14) "State minimum standards" means: (a) Minimum requirements for management and delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to county administration, licensing service providers, information, accountability, contracts, and services; and (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter 34.04 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service for those priority groups identified in RCW ~~((71.24.035(4)(b)))~~ 71.24.035(5)(b); and the rights and responsibilities of persons receiving mental health services pursuant to this chapter.

Sec. 3. Section 4, chapter 204, Laws of 1982 and RCW 71.24.035 are each amended to read as follows:

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

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children by including children's representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

~~((+4))~~ (5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for ~~((the))~~ mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) the chronically mentally ill; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

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

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

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

(E) Consultation and education services; and

(F) Community support services for acutely and chronically mentally ill persons which include: (I) Discharge planning for clients leaving state mental hospitals (~~and~~), other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (II) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (III) medication monitoring.

(c) Develop and promulgate rules establishing state minimum standards for the management and delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) County administration;

(iii) Information required to assure accountability of services delivered to the mentally ill; and

(iv) Residential and inpatient services, if a county chooses to provide such optional services;

(d) Assure coordination of services consistent with state minimum standards for individuals who are released from a state hospital into the community to assure a continuum of care;

(e) Assure that the special needs of minorities, (~~children~~), the elderly, disabled, and low-income persons are met within the priorities established in (~~RCW 71.24.035(4)(b)~~) subsection (5)(b) of this section;

(f) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

(g) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

(h) Develop and maintain an information system to be used by the state and counties which shall include a tracking method which allows the department to identify mental health clients' participation in any mental health service or public program. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440;

(i) License service providers who meet state minimum standards;

(j) Establish criteria to evaluate the performance of counties in administering mental health programs as established under this chapter. Evaluation of community mental health services shall include all categories of illnesses treated, all types of treatment given, the number of people treated, and costs related thereto; and

(k) Prior to September 1, 1982, adopt such rules as are necessary to implement this chapter pursuant to chapter 34.04 RCW: PROVIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption.

~~((5))~~ (6) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under RCW 71.24.045.

~~((6))~~ (7) The department shall propose in its biennial budget document the formulas used to distribute available resources to county authorities for the priorities listed in subsection ~~((4)(b))~~ (5)(b) of this section. The formula shall be based on the needs assessment required by RCW 71.24.045(1).

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

By November 1, 1986, the department shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the total amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

Sec. 5. Section 5, chapter 204, Laws of 1982 and RCW 71.24.045 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services for acutely and chronically mentally ill persons which include: (i) Discharge planning for clients leaving state mental hospitals ~~((and))~~, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (ii) sufficient contacts with clients, schools, families, or significant others to provide for an effective program of community maintenance; and (iii) medication monitoring.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective. Whenever a county authority chooses to operate as a licensed service provider, the secretary shall act as the county authority for that service.

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of management and service delivery as established by the department;

(5) Assure that the special needs of minorities, ~~((children,))~~ the elderly, disabled, and low-income persons are met within the priorities established in RCW ~~((71.24.035(4)(b)))~~ 71.24.035(5)(b);

(6) Maintain patient tracking information in a central location for the chronically mentally ill;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose

population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board; ((and))

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

**NEW SECTION.** Sec. 6. A new section is added to chapter 71.24 RCW to read as follows:

By January 1, 1987, and each odd-numbered year thereafter, the county authority shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

**NEW SECTION.** Sec. 7. A new section is added to chapter 71.24 RCW to read as follows:

Nothing in this chapter shall be construed as prohibiting the secretary from consolidating within the department children's mental health services with other departmental services related to children.

**\*NEW SECTION.** Sec. 8. *The secretary of social and health services shall study the desirability and feasibility of consolidating children and family services presently provided by the department. The analysis of consolidation shall include, at a minimum, children's services related to: Mental illness; juvenile rehabilitation; maternal and child health; crippled children; women, infants, and children; alcohol and substance abuse; child welfare; children's protection; developmental disabilities; nutrition; and learning problems. The scope of this review shall include prevention and early intervention services, in-home care, residential care, and institutional care.*

*The secretary and the superintendent of public instruction shall examine ways to more closely link children and family services with the public school system.*

*The secretary shall report to the social and health services committee of the house of representatives and the human services and corrections committee of the senate no later than December 1, 1986. The report shall include an analysis of consolidating these services, ways to improve linkages with the public school system, and appropriate recommendations. It shall also include all options considered but not accepted and reasons for rejection, and the legislative and organizational changes necessary for the implementation of the recommendations.*

\*Sec. 8 was vetoed, see message at end of chapter.



Sec. 9. Section 9, chapter 204, Laws of 1982 and RCW 71.24.155 are each amended to read as follows:

Grants shall be made by the department to counties for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter. The department shall provide a biennial accounting of the use of these funds to the ways and means committees of the senate and the house of representatives.

NEW SECTION. Sec. 10. A new section is added to chapter 71.24 RCW to read as follows:

The department shall waive postgraduate educational requirements applicable to mental health professionals under this chapter for those persons who have a bachelor's degree and on the effective date of this act:

(1) Are employed by an agency subject to licensure under this chapter, the community mental health services act, in a capacity involving the treatment of mental illness; and

(2) Have at least ten years of full-time experience in the treatment of mental illness.

NEW SECTION. Sec. 11. Sections 1, 2, 3, 5, and 9 of this act shall take effect on July 1, 1987.

Passed the Senate March 8, 1986.

Passed the House March 5, 1986.

Approved by the Governor April 3, 1986, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State April 3, 1986.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 8, Substitute Senate Bill No. 4596, entitled:

"AN ACT Relating to community health services."

Section 8 of this bill requires that the Department of Social and Health Services undertake a study of possible reorganization of the department. The Secretary of Social and Health Services has been actively evaluating agency reorganization for some time, and a great deal has already been accomplished in this effort. Also, the Secretary is available to the Legislature at any time to review the reorganization plans and receive feedback. Therefore, this study requirement is unnecessary and would be duplicative of the work already in progress. For this reason, I have vetoed section 8.

With the exception of section 8, Substitute Senate Bill No. 4596 is approved."