

CHAPTER 111.

[Engrossed Substitute House Bill No. 303.]

COMMUNITY MENTAL HEALTH PROGRAMS.

AN ACT relating to the establishment and development of community mental health programs; authorizing the director of institutions to make payment of grants in aid to assist counties in establishing and operating such programs; providing for procedures, standards, appointments and the promulgation of rules and regulations; specifying powers and duties; designating the department of institutions as the "state mental health authority"; repealing section 72.06.080, chapter 28, Laws of 1959 and RCW 72.06.080; and repealing section 72.06.090, chapter 28, Laws of 1959 and RCW 72.06.090; and providing an effective date.

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

Section 1. This act shall be known as the community mental health services act. It is intended to encourage and to give financial assistance to local governments in the development of community mental health programs adequate in scope and quality to their needs.

Short title—
Purpose.

Sec. 2. As used in this act:

Definitions.

(1) "Director" shall mean the director of the department of institutions or such officer of the department as he may designate to carry out in whole or in part the administration of the provisions of this act.

(2) "Department" shall mean the department of institutions.

(3) "*Community Mental Health Program*" means any consciously adopted program designed to help people learn to avoid mental crisis. "*Crisis*" is any personal distress, acute or chronic.

Sec. 3. The director is authorized, pursuant to the provisions of this act and the rules and regulations promulgated to effectuate its purposes, to make

State grants
to counties.

Community
mental health
program.

grants to assist counties or combinations of counties in the establishment and operation of community mental health programs to provide one or more of the following services:

(1) Outpatient diagnostic and treatment services.

(2) Inpatient psychiatric services.

(3) Rehabilitation services for patients with psychiatric illnesses.

(4) Informational services to the general public and educational services furnished by qualified mental health personnel to schools, courts, health agencies, welfare agencies, probation departments and other appropriate public or private agencies or groups.

(5) Consultant services to public or private agencies for the promotion and coordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.

Such inservice training as may be necessary in providing any of the foregoing services shall be proper items of expenditure in connection therewith.

Creation.

Sec. 4. The board of county commissioners of any county, or the boards of county commissioners of two or more counties jointly by agreement, may by ordinance or resolution establish a community mental health program which shall be organized, operated, and financed according to the provisions of this act.

Counties—
Authority to
provide mental
health services
directly—
Requirements.

Sec. 5. The board or boards of county commissioners, after receipt of recommendations from the community mental health program administrative board, may provide mental health services directly which shall be administered by a supervisor of community mental health services, or may contract for such services from a nonprofit corporation or corpo-

rations or secure such services through a local health department. Services obtained on contract from a nonprofit corporation or corporations or through a local health department shall be subject to the provisions of this act, except that those provisions requiring the appointment of a supervisor of community mental health services shall be inapplicable. Such nonprofit corporation or corporations or local health departments shall be responsible for carrying out the duties of a supervisor of mental health services as set forth in section 9 and as otherwise provided in this act, or such part or parts of that responsibility which may be deemed appropriate in accordance with the services called for in the contract.

Sec. 6. Every county or combination of counties desirous of establishing a community mental health program shall, before it may come within the provisions of this act, establish a community mental health program administrative board which shall be composed of not less than nine nor more than fifteen members. The members of such administrative board shall be appointed by the board or boards of county commissioners of the county or counties establishing the community mental health program for three year terms and until their successors are appointed and qualified. Membership of the community mental health program administrative board shall be representative of boards of county commissioners, medical societies, local health departments, superior court judges (who may, in such county or counties, select an attorney to serve in their place), local offices of the department of public assistance, hospital boards, lay associations or groups concerned with mental health, labor, business and civic groups, and the general public. The members of the community mental health program administrative board

County Administrative Board—Creation—Members.

Community
mental health
program.

shall not be compensated for the performance of their duties as members of the administrative board but may be paid subsistence rates and mileage in the amounts prescribed by RCW 36.17.030 as now or hereafter amended.

Administra-
tive Board—
Powers and
duties.

Sec. 7. The community mental health program administrative board shall:

(1) Review and evaluate the mental health needs, services, facilities and special problems of the area to be served by the community mental health program.

(2) Advise the county commissioners as to a program of community mental health services, which program shall reflect the fullest feasible utilization of already existing services, and, when appropriate, advise the county commissioners concerning the appointment of a supervisor of community mental health services.

(3) Receive and review all applications for financial support under the provisions of this act submitted by a nonprofit corporation, local health department, or supervisor of community mental health services and submit recommendations concerning these applications to the board or boards of county commissioners.

(4) After adoption of a program, supervise the financial and service components of the mental health program through the supervisor of community mental health services, or through a nonprofit corporation or corporations or a local health department or any combination thereof in order to be assured that actual expenditures and programs remain consistent with the agreements contained in the application as provided.

(5) Submit annually to the county commissioners a report of the activities of the community mental health program, including a financial accounting of expenditures.

(6) Submit annually to the county commissioners for approval, a plan of proposed expenditures.

Sec. 8. The supervisor of community mental health services shall be appointed by the county commissioners of the county or combination of counties involved, subject to the approval of the community mental health program administrative board. Applicants for such position need not be residents of the county, city, or state, and may be employed on a full or part time basis.

Supervisor—
Appointment.

Sec. 9. The supervisor of community mental health services shall have the following powers and duties:

Supervisor—
Powers and
duties.

(1) He shall serve as chief executive officer of the community mental health program.

(2) He shall exercise general supervision over mental health services furnished, operated, or supported.

(3) He shall recommend to the community mental health program administrative board the provision of services, establishment of facilities, contracts for services or facilities, and other matters necessary or desirable to accomplish the purposes of this act.

(4) He shall submit an annual report to the community mental health program administrative board reporting all activities of the community mental health program, including a financial accounting of expenditures and a proposed budget of anticipated expenditures for the ensuing year.

(5) He may carry on such studies as are appropriate for the discharge of his duties, including the treatment and prevention of psychiatric or emotional disorders.

Sec. 10. Any agreement between the board of commissioners of two or more counties, for the establishment of a community mental health program shall provide:

Agreements
between
counties—
Mandatory
provisions.

Community mental health program.

(1) That each county shall bear a share of the cost of mental health services.

(2) That the treasurer of one participating county shall be the custodian of funds made available for the purposes of such mental health services, and that the treasurer may make payments from such funds upon audit by the appropriate auditing officer of the county for which he is treasurer.

Agreements between counties—Permissive provisions.

Sec. 11. Such agreement may also provide:

(1) For the joint supervision or operation of services and facilities or for the supervision or operation of service and facilities by one participating county under contract for the other participating counties.

(2) For the appointments of members of the community mental health program administrative board between or among participating counties.

(3) That for specified purposes, officers and employees of a community mental health program shall be considered to be officers and employees of one participating county only.

(4) For such other matters as are necessary or proper to effectuate the purposes of this act.

Contracts for services.

Sec. 12. The board or boards of county commissioners may contract for services and facilities with any hospital, clinic, laboratory or other similar institution, or with a nonprofit corporation or corporations. Any such contract, when it has received prior approval from the director, may be entered into notwithstanding that the supervisor of community mental health services is a member of the medical or consultant staff of such hospital, clinic, laboratory, institution, or nonprofit corporation.

State reimbursement—Procedures.

Sec. 13. To establish eligibility for reimbursement by the department, a board or boards of county commissioners operating or administering a

community mental health program shall submit annually to the director a plan for proposed expenditures. The director shall review such plan to determine compliance with the requirements established in this act, and, pursuant to the rules and regulations promulgated by the department, shall fix the amount subject to reimbursement.

Sec. 14. Expenditures incurred by the community mental health program for the items and services specified in section 3 shall, in accordance with the regulations of the director, be subject to reimbursement whether incurred by direct or joint operation of such services or whether such community mental health services are administered and operated contractually or through a local health department as provided by section 5.

Reimbursement—Certain items—When direct or joint operation.

Sec. 15. Except as hereinafter provided, there shall be paid to each county on account of expenditures made for a community mental health program subject to reimbursement by the department pursuant to the provisions of this act, not more than fifty percent of the amount expended for such program, exclusive of the expenditure of funds secured by a community mental health program from federal sources. Where it is determined by the director to be necessary for the expansion of existing mental health services or for the development of new mental health services, as described in section 3, and after consultation with the Washington state tax commission regarding the extent to which local funds for the support of mental health services have been exhausted, the state share in any community mental health program may exceed fifty percent of the total expenditures: *Provided*, That the state share shall be reduced to not more than fifty percent of the total expenditures within two years from the starting date of such new services. Reimbursement

Reimbursement—Limitations.

Community mental health program.

shall be made on a monthly basis, upon submission to the director such information as he may require.

State funds—Limitation on use.

Sec. 16. The board or boards of county commissioners shall make satisfactory showing to the director that all increases in state matching funds distributed under the provisions of this act shall be used for expansion of existing services or for developing new services, and that such state matching funds shall in no case be used to replace local funds from any source being used to finance mental health services prior to the effective date of this act.

Support of local outpatient services.

Sec. 17. Existing local outpatient mental health services now receiving more than fifty percent support from the department shall continue to receive such support until local funds are secured to provide fifty percent of such support, but in no event beyond two years from the effective date of this act.

Reimbursable expenditures.

Sec. 18. In determining the expenditures to be reimbursed by the department to a community mental health service, reimbursements shall not be made from state funds as provided in this act to a community mental health program for expenditures for capital improvements or the purchase or construction of buildings, except for such equipment items and remodeling expense as may be provided for in the regulations of the department.

Reimbursement—Rules and regulations.

Sec. 19. The department shall promulgate rules and regulations to effectuate the purposes of this act, the form, manner and time for the submission of proposed plans for approval as submitted by the county commissioners, and the form, manner and time for the submission of claims for state reimbursement. Reimbursement may be made for the expenses of per diem and travel to meetings by members of the community mental health program administrative board, and for per diem and travel

expenses of supervisors of community mental health services to conferences which may from time to time be called by the director. Such per diem and travel expenses may be paid in amounts prescribed by RCW 36.17.030.

Sec. 20. Expenditures of county funds under this act shall be subject to the provisions of chapter 36.40 RCW and other statutes relating to expenditures by counties.

Expenditures
—County
budget law.

Sec. 21. Community mental health programs shall require that patients make payment for community mental health services in accordance with their ability to pay, rendered pursuant to a plan submitted to the director, but not in excess of actual cost.

Patients
required to
pay as able.

Sec. 22. The director may withhold state reimbursement in whole or in part for any community mental health program in the event of a failure to comply with the provisions of this act or regulations made by the department pursuant thereto relating to the community mental health program or the administration thereof.

Failure to
comply—
Effect.

Sec. 23. The department is designated as the "state mental health authority" and shall be authorized to enter into agreements with any agency of the United States government concerning the mental health program of the state.

"State mental
health
authority".

Sec. 24. In order to establish eligibility for funding under this act, any county or counties seeking to obtain federal funds for the support of any aspect of a community mental health program as defined in this act shall submit program plans to the director for prior review and approval before such plans are submitted to any federal agency.

Submission of
local programs
required.

Gifts and grants.

Sec. 25. The board or boards of county commissioners are authorized to accept and expend gifts and grants received from private, county, state, and federal sources.

Effective date.

Sec. 26. This act shall take effect on July 1, 1967.

Repeal.

Sec. 27. Section 72.06.080, chapter 28, Laws of 1959 and RCW 72.06.080; and section 72.06.090, chapter 28, Laws of 1959 and RCW 72.06.090 are each repealed.

Passed the House March 29, 1967.

Passed the Senate March 22, 1967.

Approved by the Governor April 7, 1967, with the exception of a certain item in Section 2 which was vetoed.

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

"In my State of the State Message, I stated that 'of all human needs, none can be more compelling—and none more important than to meet the urgent needs of our unfortunate and unrepresented citizens afflicted with mental illness and retardation. The degree of the problem requires an equal degree of response. To do less is neither fiscally responsible nor humanely defensible.

" 'Over and above state action, this administration will support the expansion of comprehensive community services in creating a network of community mental health and retardation clinics which can deal with these problems at the level of local concern.'

"Substitute House Bill 303, the Community Mental Health Services Act, is one of three parts of a package to accomplish these goals. I believe it represents a major stride forward in recognizing that many facets of mental illness can be handled with greater success for the individual and the community without requiring transportation of individuals to large institutions far from their homes.

"Substitute House Bill 303 was amended to add to Section 2 a subsection (3) defining 'Community Mental Health Program' as 'any consciously adopted program designed to help people learn to avoid mental crisis.' This language is contained as a suggested definition in the state's mental health grant-in-aid plan submitted to the federal government. The attempt to define the programs covered by this bill was meritorious, and would have improved the legislation. Unfortunately, the amendment inadvertently left out two words, 'or overcome', from the definition contained in the grant-in-aid plan, thus suggesting that community mental health programs are designed only to prevent and not to treat mental crisis.

"Not only do the goals and requirements of the remainder of the act conflict with this concept of community mental health programs, but such a concept would not meet federal matching fund requirements and would result in loss of federal revenue of approximately \$2.7 million to assist in establishment of community mental health programs anticipated in the budget passed by both houses of this legislature.

"I am sure it was not the intention of the legislature or the sponsor of the amendment to cast any doubt on the ability of the community programs to aid individuals in overcoming mental crises, nor the ability of the state to participate in federal matching programs for community mental health. For this reason, I have vetoed subsection (3) of Section 2 and have approved the remainder of the bill."

DANIEL J. EVANS,
Governor.

CHAPTER 112.

[House Bill No. 982.]

APPROPRIATION—EXPENSES OF THE LEGISLATURE.

AN ACT relating to the expenses and costs of the legislature including subsistence payments and expenses of members; amending section 1, chapter 10, Laws of 1959 extraordinary session as amended by section 1, chapter 7, Laws of 1963 extraordinary session and RCW 44.04.120; making appropriations; and declaring an emergency.

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

Section 1. There is hereby appropriated out of the state general fund to the legislature the sum of eighty-six thousand four hundred twenty dollars (\$86,420), or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature. From the amount hereby appropriated:

Appropriation
—Legislative
expenses.

(1) The Senate shall not expend more than thirty-eight thousand and eighty dollars (\$38,080); and

(2) The House of Representatives shall not expend more than forty-eight thousand three hundred forty dollars (\$48,340): *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee.