

tions 1 through 10 herein shall constitute a new chapter in Title 43 RCW.

Passed the House April 28, 1967.

Passed the Senate April 28, 1967.

Approved by the Governor May 3, 1967.

CHAPTER 127.

[House Bill No. 513.]

STATE HOSPITALS FOR MENTALLY ILL.

AN ACT relating to state hospitals for the mentally ill; amending section 71.02.410, chapter 25, Laws of 1959 and RCW 71.02.410; section 71.02.320, chapter 25, Laws of 1959 and RCW 71.02.320; section 71.02.230, chapter 25, Laws of 1959 and RCW 71.02.230; repealing section 71.02.420, chapter 25, Laws of 1959 and RCW 71.02.420; and repealing section 71.02.430, chapter 25, Laws of 1959 and RCW 71.02.430.

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

RCW 71.02.410 amended.

Section 1. Section 71.02.410, chapter 25, Laws of 1959 and RCW 71.02.410 are each amended to read as follows:

State hospitals for mentally ill. Charges—Computation.

Charges for hospitalization of patients in state hospitals are to be based on the actual cost of operating such hospitals for the previous year, taking into consideration the overhead expense of operating the hospital and expense of maintenance and repair, including in both cases all salaries of supervision and management as well as material and equipment actually used or expended in operation as computed by the department: *Provided*, That a schedule of differing hospitalization charges may be computed, including a schedule of charges for outpatient services, considering the costs of care, treatment and maintenance in accordance with the classification of mental illness, type and intensity of

treatment rendered, which may vary among and within the several state hospitals. Costs of transportation shall be computed by the department.

Sec. 2. Section 71.02.320, chapter 25, Laws of 1959 and RCW 71.02.320 are each amended to read as follows:

RCW 71.02.320  
amended.

Hospitalization charges are payable on the tenth day of each calendar month, for services rendered during the preceding month, and the department may make all necessary rules and regulations relative to the billing and collection of such charges.

Hospitalization  
charges—  
When payable  
—Rules and  
regulations.

Sec. 3. Section 71.02.230, chapter 25, Laws of 1959 and RCW 71.02.230 are each amended to read as follows:

RCW 71.02.230  
amended.

After a person has been found mentally ill under RCW 71.02.200, the court shall, after reasonable notice of the time, place and purpose of the hearing has been given to persons subject to liability under this section, inquire into the ability of the person's estate, or his spouse, parents of a minor person until the person attains the age of 21 years, or any combination thereof, to pay the charges for detention pending proceedings, and court costs. If the court finds that the patient's estate or above named relatives, or combination thereof, are able to pay such charges or any part thereof, an order to such effect shall be entered. If the court finds that neither the patient's estate nor above relatives can pay charges for detention pending proceedings or court costs, such costs shall be borne by the county. When a patient is a resident of another county, the committing county shall recover from the county of the patient's residence all costs and expenses of the patient's detention and commitment.

Hearing on  
ability to pay.

Sec. 4. Any person admitted or committed to a state hospital for the mentally ill under the provisions of Title 71 RCW or 72.23.070 RCW, or chapter

State hospitals for mentally ill—Liability for care.

10.76 RCW, and their estates and responsible relatives are liable for reimbursement to the state of the costs of hospitalization and/or outpatient services, as computed by the director of institutions, or his designee, in accordance with RCW 71.02.410: *Provided*, That such mentally ill person, and his or her estate, and the husband or wife of such mentally ill person and their estate shall be primarily responsible for reimbursement to the state for the costs of hospitalization and/or outpatient services; and, the parents of such mentally ill person and their estates, until such person has attained the age of 21 years, shall be secondarily liable.

Investigations—Determinations of ability to pay—Rules and regulations.

Sec. 5. The department of institutions is authorized to investigate the financial condition of each person liable under the provisions of this 1967 amendatory act, and is further authorized to make determinations of the ability of each such person to pay hospitalization charges and/or charges for outpatient services, in accordance with the provisions of this 1967 amendatory act, and, for such purposes, to set a standard as a basis of judgment of ability to pay, which standard shall be recomputed periodically to reflect changes in the costs of living, and other pertinent factors, and to make provisions for unusual and exceptional circumstances in the application of such standard.

In accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW, the department shall adopt appropriate rules and regulations relating to the standards to be applied in determining ability to pay such charges, the schedule of charges pursuant to section 1 of this 1967 amendatory act, and such other rules and regulations as are deemed necessary to administer the provisions of this 1967 amendatory act.

Notice.

Sec. 6. In any case where determination is made that a person, or the estate of such person, is able to

pay all, or any portion of the monthly charges for hospitalization, and/or charges for outpatient services, a notice of finding of responsibility shall be personally served on such person or persons and the legal representative of such person. The notice shall set forth the amount the department has determined that such person, or his or her estate, is able to pay per month not to exceed the monthly costs of hospitalization, and/or costs of outpatient services, as fixed in accordance with the provisions of RCW 71.02.410, or as otherwise limited by the provisions of this 1967 amendatory act. The responsibility for the payment to the department of institutions shall commence thirty days after personal service of such notice and finding of responsibility which finding of responsibility shall cover the period from the date of admission of such mentally ill person to a state hospital, and for the costs of hospitalization, and/or the costs of outpatient services, accruing thereafter. An appeal may be made to the director of institutions, or his designee within thirty days from the date of posting of such notice and finding of responsibility, upon the giving of written notice of appeal to the director of institutions by registered or certified mail, or by personal service. If no appeal is taken, the notice and finding of responsibility shall become final. If an appeal is taken, the execution of notice and finding of responsibility shall be stayed pending the decision of such appeal. Appeals may be heard in any county seat most convenient to the appellant. The hearing of appeal may be presided over by a hearing examiner appointed by the director, and the proceedings shall be recorded either manually or by a mechanical device. At the conclusion of such hearing, the hearing examiner shall make findings of fact and his conclusions and recommended determination of responsibility. Thereafter, the director, or his designee, may either affirm, re-

Notice of findings—Effect—Appeal—Hearing on appeal—Judicial review.

Hospitals for mentally ill—Charges for care.

ject or modify the findings, conclusions and determination of responsibility made by the hearing examiner. Judicial review of the director's determination of responsibility in the superior court and the supreme court may be taken in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

Superior court judgment to enforce.

Sec. 7. Whenever any notice and finding of responsibility, or appeal therefrom, shall have become final, the superior court, wherein such person or persons reside or have property either real or personal, shall, upon application of the director of institutions enter a judgment in the amount of the accrued monthly charges for the costs of hospitalization, and/or the costs of outpatient services, and such judgment shall have and be given the same effect as if entered pursuant to civil action instituted in said court.

Modification or vacation of original order.

Sec. 8. The director, or his designee, upon application of the person responsible for payment of reimbursement to the state of the costs of hospitalization, and/or the costs of outpatient services, or the legal representative of such person, and, after investigation, or after investigation without application, the director, or his designee, if satisfied of the financial ability or inability of such person to reimburse the state in accordance with the original finding of responsibility, may, modify or vacate such original finding of responsibility and enter a new finding of responsibility. The determination to modify or vacate findings of responsibility shall be served and be appealable in the same manner and in accordance with the same procedures for appeals of original findings of responsibility.

Sec. 9. The provisions of this act shall not be construed as prohibiting or preventing the department of institutions from obtaining reimbursement

from any person liable under this act for the reimbursement of the state of the full amount of the accrued charges for the costs of hospitalization, and/or the costs of outpatient services, to the extent of the liability as provided by this act, from any property acquired subsequent to and regardless of the initial findings of responsibility.

Application to after acquired property.

Sec. 10. All persons admitted or committed to a state hospital under the provisions of Title 71 RCW or RCW 72.23.070, or chapter 10.76 RCW and their responsible relatives and their estates, whose ability to pay hospitalization charges has been determined under prior laws shall not be affected by the provisions of this act until a finding of responsibility shall have been made and become final in accordance with the provisions of this act.

Application to prior patients.

Sec. 11. Section 71.02.420, chapter 25, Laws of 1959 and RCW 71.02.420 and section 71.02.430, chapter 25, Laws of 1959 and RCW 71.02.430 are each repealed.

Repeal.

Passed the House April 25, 1967.

Passed the Senate April 24, 1967.

Approved by the Governor May 3, 1967.

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## CHAPTER 128.

[Engrossed Senate Bill No. 462.]

### TIDELANDS—USE BY UPLAND OWNERS.

AN ACT relating to public lands.

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

Section 1. The state department of fisheries is authorized to permit designated portions of the following described tidelands to be used by the upland owners thereof for the purpose of building and

Tidelands—Use by upland owners.