

## CHAPTER 204

[Engrossed Substitute Senate Bill No. 4786]  
COMMUNITY MENTAL HEALTH SERVICES

AN ACT Relating to community mental health services; amending section 3, chapter 111, Laws of 1967 ex. sess. as last amended by section 5, chapter 155, Laws of 1973 1st ex. sess. and RCW 71.24.030; amending section 10, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.100; amending section 11, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.110; amending section 16, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.160; amending section 22, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.220; amending section 24, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.240; amending section 25, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.250; amending section 1, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.010; amending section 2, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.020; amending section 4, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.040; amending section 5, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.050; amending section 8, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.080; amending section 9, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.090; amending section 10, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.090; amending section 11, chapter 304, Laws of 1971 ex. sess. and RCW 69.54.090; amending section 5, chapter 50, Laws of 1970 ex. sess. as amended by section 170, chapter 141, Laws of 1979 and RCW 72.01.454; adding new sections to chapter 71.24 RCW; adding a new section to chapter 74.04 RCW; creating a new section: repealing section 1, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.010; repealing section 2, chapter 111, Laws of 1967 ex. sess., section 6, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.020; repealing section 4, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.040; repealing section 5, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.050; repealing section 6, chapter 111, Laws of 1967 ex. sess., section 1, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.060; repealing section 7, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.070; repealing section 8, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.080; repealing section 9, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.090; repealing section 12, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.120; repealing section 13, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.130; repealing section 14, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.140; repealing section 15, chapter 111, Laws of 1967 ex. sess., section 2, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.150; repealing section 1, chapter 61, Laws of 1969, section 141, chapter 141, Laws of 1979 and RCW 71.24.165; repealing section 19, chapter 111, Laws of 1967 ex. sess., section 165, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 71.24.190; repealing section 21, chapter 111, Laws of 1967 ex. sess., section 1, chapter 145, Laws of 1979 ex. sess. and RCW 71.24.210; and repealing section 23, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.230.

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

NEW SECTION. Section 1. This chapter may be known and cited as the community mental health services act.

NEW SECTION. Sec. 2. 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 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;
- (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 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.

**NEW SECTION.** Sec. 3. 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); (b) being gravely disabled as defined in RCW 71.05.020(1); or (c) presenting a likelihood of serious harm as defined in RCW 71.05.020(3).

(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 section 5 of this act.

(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) "Chronically mentally ill person" means a person who has a mental disorder 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;

(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.

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

(6) "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) "Department" means the department of social and health services.

(8) "Mental health services" means community services pursuant to section 4(4)(b) of this act and other services provided by the state for the mentally ill.

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

(10) "Residential services" means a facility or distinct part thereof which provides food, clothing, and shelter, and may include day treatment services as defined in section 5 of this act, 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) "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.

(12) "Secretary" means the secretary of social and health services.

(13) "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 section 4(4)(b) of this act; and the rights and responsibilities of persons receiving mental health services pursuant to this chapter.

NEW SECTION. Sec. 4. (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 be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under section 5 of this act.

(4) 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. 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;

(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; (II) sufficient contacts with clients, families, 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 section 4(4)(b) of this act;

(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) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under section 5 of this act.

(6) 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) of this section. The formula shall be based on the needs assessment required by section 5(1) of this act.

NEW SECTION. Sec. 5. 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;

(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; (ii) sufficient contacts with clients, 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 section 4(4)(b) of this act;

(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 section 9 of this act: 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.

Sec. 6. Section 3, chapter 111, Laws of 1967 ex. sess. as last amended by section 5, chapter 155, Laws of 1973 1st ex. sess. and RCW 71.24.030 are each amended to read as follows:

The secretary is authorized, pursuant to ~~((the provisions of))~~ this chapter and the rules ~~((and regulations))~~ promulgated to effectuate its purposes, to make 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;~~

~~(6) Inpatient or outpatient care, treatment or rehabilitation services of persons using controlled substances in violation of chapter 69.50 RCW;~~

~~(7) Such services as are set forth in subsection (4) which pertain to the education and information about and prevention of problems of drug abuse.~~

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

Sec. 7. Section 10, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.100 are each amended to read as follows:

Any agreement between ~~((the board of commissioners of))~~ two or more ~~((counties;))~~ county authorities for the establishment of a community mental health program shall provide:

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

(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.

Sec. 8. Section 11, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.110 are each amended to read as follows:

Such agreement for the establishment of a community mental health program 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~~((:));~~ and

(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 chapter.~~

NEW SECTION. Sec. 9. 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 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.

Sec. 10. Section 16, chapter 111, Laws of 1967 ex. sess. and RCW 71-24.160 are each amended to read as follows:

The ~~((board or boards of county commissioners))~~ county authority shall make satisfactory showing to the ~~((director that all increases in state matching funds distributed under the provisions of this chapter shall be used for expansion of existing services or for developing new services, and that such state matching))~~ secretary that state 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 chapter))~~ January 1, 1982.

NEW SECTION. Sec. 11. Clients receiving mental health services funded by available resources shall be charged a fee under sliding-scale fee schedules, based on ability to pay, approved by the department. Fees shall not exceed the actual cost of care.

Sec. 12. Section 22, chapter 111, Laws of 1967 ex. sess. and RCW 71-24.220 are each amended to read as follows:

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

Sec. 13. Section 24, chapter 111, Laws of 1967 ex. sess. and RCW 71-24.240 are each amended to read as follows:

In order to establish eligibility for funding under this chapter, 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 chapter shall submit program plans to the ~~((director))~~ secretary for prior review and approval before such plans are submitted to any federal agency.



Sec. 14. Section 25, chapter 111, Laws of 1967 ex. sess. and RCW 71-24.250 are each amended to read as follows:

The ~~((board or boards of county commissioners are authorized to))~~ county authority may accept and expend gifts and grants received from private, county, state, and federal sources.

Sec. 15. Section 5, chapter 50, Laws of 1970 ex. sess. as amended by section 170, chapter 141, Laws of 1979 and RCW 72.01.454 are each amended to read as follows:

(1) The secretary may permit the use of the facilities of any state institution by any community service organization, nonprofit corporation, group or association for the purpose of conducting a program of education, training, entertainment or other purpose, for the residents of such institutions, if determined by the secretary to be beneficial to such residents or a portion thereof.

(2) The secretary may permit the nonresidential use of the facilities of any state institution by any county, community service organization, nonprofit corporation, group or association for the purpose of conducting programs under RCW 72.06.070.

**NEW SECTION.** Sec. 16. There is added to chapter 74.04 RCW a new section to read as follows:

Persons eligible for general assistance under RCW 74.04.005 are eligible for mental health services to the extent that they meet the client definitions and priorities established by chapter 71.24 RCW.

*\*Sec. 17. Section 1, chapter 304, Laws of 1971 ex. sess. and RCW 69-54.010 are each amended to read as follows:*

*It is the purpose of this chapter ~~((and RCW 71.24.020 and 71.24.030))~~ to provide the financial assistance necessary to enable the department of social and health services to offer a meaningful program of rehabilitation for those persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol and to develop a community educational program as to those problems for the benefit of the state's population generally. Such programs can develop in the people of this state a knowledge of the problems caused by alcohol and drug abuse, an acceptance of responsibility for alcohol and drug related problems, an understanding of the causes and consequences of the use and abuse of alcohol and drugs, and thus may prevent many problems from occurring.*

*It is the further purpose of this chapter ~~((and RCW 71.24.020 and 71-24.030))~~ to provide for qualified drug treatment centers approved by the department of social and health services.*

*\*Sec. 17. was vetoed, see message at end of chapter.*

*\*Sec. 18. Section 2, chapter 304, Laws of 1971 ex. sess. and RCW 69-54.020 are each amended to read as follows:*

*The following words and phrases shall have the following meaning when used in this chapter (~~and RCW 71.24.020 and 71.24.030~~):*

(1) "Secretary" shall mean the secretary of the department of social and health services.

(2) "Department" shall mean the department of social and health services.

(3) "Drug and alcohol rehabilitation program" shall mean the program developed by the department of social and health services to aid persons suffering problems related to narcotic drugs, dangerous drugs, and alcohol.

(4) "Drug and alcohol educational program" shall mean the program developed by the department of social and health services outside of the kindergarten through twelve programs in the schools to educate the people of this state relative to the use and abuse of narcotic drugs, dangerous drugs and alcohol, and the prevention and consequences thereof.

(5) "Drug treatment center" shall mean any organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of persons using narcotic drugs or dangerous drugs.

\*Sec. 18. was vetoed, see message at end of chapter.

\*Sec. 19. Section 4, chapter 304, Laws of 1971 ex. sess. and RCW 69-.54.040 are each amended to read as follows:

*The secretary shall establish within the department a program designed to aid and rehabilitate persons suffering from problems relating to narcotic drugs, dangerous drugs, and alcohol. Without duplicating, and in coordination with the programs established by the state superintendent of public instruction, the secretary shall establish community educational programs outside of the kindergarten through twelve programs in the schools relating to alcohol and drug use and abuse. The secretary is authorized to promulgate rules and regulations pursuant to chapter 34.04 RCW to carry out the provisions and purposes of this chapter (~~and RCW 71.24.020 and 71.24.030~~) and is authorized to contract, cooperate and coordinate with other public or private agencies or individuals for such purposes.*

\*Sec. 19. was vetoed, see message at end of chapter.

\*Sec. 20. Section 5, chapter 304, Laws of 1971 ex. sess. and RCW 69-.54.050 are each amended to read as follows:

*Pursuant to the provisions of the Interlocal Cooperation Act, chapter 39-.34 RCW, the department may enter into agreements as provided therein to accomplish the purposes of this chapter (~~and RCW 71.24.020 and 71.24.030~~).*

\*Sec. 20. was vetoed, see message at end of chapter.

\*Sec. 21. Section 8, chapter 304, Laws of 1971 ex. sess. and RCW 69-.54.060 are each amended to read as follows:

*Any person fourteen years of age or older may give consent for himself to the furnishing of counseling, care, treatment or rehabilitation by an approved drug treatment center or person licensed or certified by the state related to*

*conditions and problems caused by drug or alcohol abuse. Consent of the parent, parents, or legal guardian of a person less than eighteen years of age shall not be necessary to authorize such care, except that such person shall not become a resident of such treatment center without parental permission. The parent, parents or legal guardian of a person less than eighteen years of age shall not be liable for payment of care for such persons pursuant to this chapter ((and RCW 71.24.020 and 71.24.030)), unless they have joined in the consent to such counseling, care, treatment or rehabilitation.*

\*Sec. 21. was vetoed, see message at end of chapter.

\*Sec. 22. Section 9, chapter 304, Laws of 1971 ex. sess. and RCW 69-.54.070 are each amended to read as follows:

*When an individual submits himself for care, treatment, counseling, or rehabilitation to any organization, institution or corporation, public or private, approved pursuant to this chapter ((and RCW 71.24.020 and 71.24.030)), or any person licensed or certified by the state whose principal function is the care, treatment, counseling or rehabilitation of alcohol abusers or users of narcotic or dangerous drugs, or the providing of medical, psychological or social counseling or treatment, notwithstanding any other provision of law, such individual is hereby guaranteed confidentiality. No such person, organization, institution or corporation or their agents acting in the scope and course of their duties, providing such care, treatment, counseling or rehabilitation shall divulge nor shall they be required to provide any specific information concerning individuals being cared for, treated, counseled or rehabilitated, nor shall pharmacists or their agents provide such information when or if they become aware of or receive such information when requested to or for the purpose of providing products or performing services relevant to said care, treatment, counseling or rehabilitation. Should any person, organization, institution or corporation, or their agents, breach confidentiality as provided for in this section, such information and any product thereof shall not be admissible as evidence or be considered in any criminal proceeding. The fact of an individual of authorized age being cared for, treated, counseled or rehabilitated pursuant to this chapter ((and RCW 71.24.020 and 71.24.030)) shall likewise be held confidential and shall not be admissible as evidence or be considered in any criminal proceeding.*

*Any confidentiality provided for by this section may be waived by the individual, provided such waiver is freely and voluntarily made, and with full prior information as to the consequences thereof.*

\*Sec. 22. was vetoed, see message at end of chapter.

\*Sec. 23. Section 10, chapter 304, Laws of 1971 ex. sess. and RCW 69-.54.080 are each amended to read as follows:

*Nothing contained in this chapter ((and RCW 71.24.020 and 71.24.030)) shall prohibit or be construed to prohibit the divulging or providing of statistical or other substantive information pertaining to care, treatment, counseling or rehabilitation, pursuant to this chapter ((and RCW 71.24.020 and*

~~71.24.030~~), so long as no individual is identified or reasonably identifiable, and individual privacy and confidentiality is retained.

\*Sec. 23. was vetoed, see message at end of chapter.

\*Sec. 24. Section 11, chapter 304, Laws of 1971 ex. sess. and RCW 69-54.090 are each amended to read as follows:

Nothing contained in this chapter (~~and RCW 71.24.020 and 71.24.030~~) shall relieve any person or firm from the requirements under federal and state drug laws and regulations for the keeping of records and the responsibility for the accountability of drugs received and dispensed. Such records, insofar as they contain confidential information under this chapter (~~and RCW 71.24.020 and 71.24.030~~), shall only be available to state and federal drug inspectors who shall not divulge such information as is contained in these records, including the identification of individuals, except (1) upon subpoena in a court or administrative proceeding to which the person to whom such prescription, orders or other records relate is a party, or (2) when the information reasonably leads to the conclusion that there has been a violation of RCW 69.33.380 or 69.40.090, then the information may be referred to other law enforcement officers.

\*Sec. 24. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 25. It is the intent of the legislature that licensed service providers hold administrative cost to a minimum and that available resources be utilized to the maximum extent for direct services to clients. For that purpose, the department of social and health services shall conduct a study to determine the appropriate limitation of the total available resources spent by licensed service providers for administrative purposes and report its recommendations to the legislature by the 1984 session of the legislature.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.010;
- (2) Section 2, chapter 111, Laws of 1967 ex. sess., section 6, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.020;
- (3) Section 4, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.040;
- (4) Section 5, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.050;
- (5) Section 6, chapter 111, Laws of 1967 ex. sess., section 1, chapter 204, Laws of 1971 ex. sess. and RCW 71.24.060;
- (6) Section 7, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.070;
- (7) Section 8, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.080;
- (8) Section 9, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.090;
- (9) Section 12, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.120;
- (10) Section 13, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.130;

(11) Section 14, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.140;

(12) Section 15, chapter 111, Laws of 1967 ex. sess., section 2, chapter 204, Laws of 1971 ex. sess., and RCW 71.24.150;

(13) Section 1, chapter 61, Laws of 1969, section 141, chapter 141, Laws of 1979 and RCW 71.24.165;

(14) Section 19, chapter 111, Laws of 1967 ex. sess., section 165, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 71.24.190;

(15) Section 21, chapter 111, Laws of 1967 ex. sess., section 1, chapter 145, Laws of 1979 ex. sess. and RCW 71.24.210; and

(16) Section 23, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.230.

NEW SECTION. Sec. 27. Sections 1 through 5, 9 and 11 of this act are each added to chapter 71.24 RCW.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 10, 1982.

Passed the House March 9, 1982.

Approved by the Governor April 3, 1982, with the exception of Sections 17, 18, 19, 20, 21, 22, 23, and 24, which are vetoed.

Filed in Office of Secretary of State April 3, 1982.

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

"I am returning herewith without my approval as to Sections 17, 18, 19, 20, 21, 22, 23, and 24 Senate Bill No. 4786 entitled:

"AN ACT Relating to community mental health services".

I am vetoing these sections because they conflict with similar sections in House Bill 410 which contain amendatory language. I have done this to avoid difficulties in codification and future interpretation of these sections of the Code.

With the exception of Sections 17, 18, 19, 20, 21, 22, 23, and 24, which I have vetoed, the remainder of Senate Bill No. 4786 is approved."

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## CHAPTER 205

[Substitute House Bill No. 436]

### AUCTIONEER'S LICENSING ACT--APPROPRIATION

AN ACT Relating to auctioneers; amending section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 16, chapter 53, Laws of 1981 and RCW 43.24.085; adding new sections to chapter 18.11 RCW; repealing section 1, page 458, Laws of 1890 and RCW 18.11.010; repealing section 2, page 458, Laws of 1890 and RCW 18.11.020; repealing section 3, page 458, Laws of 1890 and RCW 18.11.030; defining crimes; providing penalties; and making an appropriation.

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