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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1290

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State of Washington

59th Legislature

2005 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Cody, Bailey, Schual-Berke, Campbell, Morrell, Hinkle, Green, Appleton, Moeller, Haigh, Linville, Kenney, Wood and Santos)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to community mental health services; amending RCW  
2 71.24.025, 71.24.030, 71.24.045, 71.24.100, 71.24.240, 71.24.300,  
3 71.24.420, and 71.05.020; reenacting and amending RCW 71.24.015 and  
4 71.24.035; adding new sections to chapter 71.24 RCW; adding a new  
5 section to chapter 74.09 RCW; creating new sections; providing  
6 expiration dates; and declaring an emergency.

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

8 **Sec. 1.** RCW 71.24.015 and 2001 c 334 s 6 and 2001 c 323 s 1 are  
9 each reenacted and amended to read as follows:

10 It is the intent of the legislature to establish a community mental  
11 health program which shall help people experiencing mental illness to  
12 retain a respected and productive position in the community. This will  
13 be accomplished through ~~((programs))~~ resilience and recovery-based  
14 programs, including recognized evidence-based practices, which provide  
15 for:

16 (1) Access to a package of mental health services that is  
17 consistent across the state for adults of the state who are acutely  
18 mentally ill, chronically mentally ill, or seriously disturbed and  
19 children of the state who are acutely mentally ill, severely

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

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

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

31       (~~(3)~~) (4) Minimum service delivery standards;

32       (~~(4)~~) (5) Priorities for the use of available resources for the  
33 care of the mentally ill consistent with the priorities defined in the  
34 statute;

35       (~~(5)~~) (6) Coordination of services within the department,  
36 including those divisions within the department that provide services  
37 to children, between the department and the office of the  
38 superintendent of public instruction, and among state mental hospitals,

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

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

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

27 It is further the intent of the legislature to integrate the  
28 provision of services to provide continuity of care through all phases  
29 of treatment. To this end the legislature intends to promote active  
30 engagement with mentally ill persons and collaboration between families  
31 and service providers.

32 **Sec. 2.** RCW 71.24.025 and 2001 c 323 s 8 are each amended to read  
33 as follows:

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

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

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

3 (b) Being gravely disabled as defined in RCW 71.05.020 or, in the  
4 case of a child, a gravely disabled minor as defined in RCW 71.34.020;  
5 or

6 (c) Presenting a likelihood of serious harm as defined in RCW  
7 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

8 (2) "Available resources" means funds appropriated for the purpose  
9 of providing community mental health programs (~~((under RCW 71.24.045))~~),  
10 federal funds, except those provided according to Title XIX of the  
11 Social Security Act, and state funds appropriated under this chapter or  
12 chapter 71.05 RCW by the legislature during any biennium for the  
13 purpose of providing residential services, resource management  
14 services, community support services, and other mental health services.  
15 This does not include funds appropriated for the purpose of operating  
16 and administering the state psychiatric hospitals, except as negotiated  
17 according to RCW 71.24.300(1)(~~(+e)~~) (d).

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

19 (4) "Chronically mentally ill adult" means an adult who has a  
20 mental disorder and meets at least one of the following criteria:

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

23 (b) Has experienced a continuous psychiatric hospitalization or  
24 residential treatment exceeding six months' duration within the  
25 preceding year; or

26 (c) Has been unable to engage in any substantial gainful activity  
27 by reason of any mental disorder which has lasted for a continuous  
28 period of not less than twelve months. "Substantial gainful activity"  
29 shall be defined by the department by rule consistent with Public Law  
30 92-603, as amended.

31 (5) "Community mental health program" means all mental health  
32 services, activities, or programs using available resources.

33 (6) "Community mental health service delivery system" means public  
34 or private agencies that provide services specifically to persons with  
35 mental disorders as defined under RCW 71.05.020 and receive funding  
36 from public sources.

37 (7) "Community support services" means services authorized,  
38 planned, and coordinated through resource management services

1 including, at a minimum, assessment, diagnosis, emergency crisis  
2 intervention available twenty-four hours, seven days a week,  
3 prescreening determinations for mentally ill persons being considered  
4 for placement in nursing homes as required by federal law, screening  
5 for patients being considered for admission to residential services,  
6 diagnosis and treatment for acutely mentally ill and severely  
7 emotionally disturbed children discovered under screening through the  
8 federal Title XIX early and periodic screening, diagnosis, and  
9 treatment program, investigation, legal, and other nonresidential  
10 services under chapter 71.05 RCW, case management services, psychiatric  
11 treatment including medication supervision, counseling, psychotherapy,  
12 assuring transfer of relevant patient information between service  
13 providers, recovery services, and other services determined by regional  
14 support networks.

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

20 (9) "Department" means the department of social and health  
21 services.

22 (10) "Evidence-based practices" means services for people with  
23 severe mental illness that have demonstrated positive outcomes in  
24 multiple research studies.

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

33 ((+11)) (12) "Mental health services" means all services provided  
34 by regional support networks and other services provided by the state  
35 for the mentally ill.

36 ((+12)) (13) "Mentally ill persons" and "the mentally ill" mean  
37 persons and conditions defined in subsections (1), (4), ((+17)) (20),  
38 and ((+18)) (21) of this section.

1        ~~((13))~~ (14) "Regional support network" means a county authority  
2 or group of county authorities or other entity recognized by the  
3 secretary ~~((that enter into joint operating agreements to contract with~~  
4 ~~the secretary pursuant to this chapter))~~ through a department  
5 procurement process.

6        ~~((14))~~ (15) "Residential services" means a complete range of  
7 residences and supports authorized by resource management services and  
8 which may involve a facility, a distinct part thereof, or services  
9 which support community living, for acutely mentally ill persons,  
10 chronically mentally ill adults, severely emotionally disturbed  
11 children, or seriously disturbed adults determined by the regional  
12 support network to be at risk of becoming acutely or chronically  
13 mentally ill. The services shall include at least evaluation and  
14 treatment services as defined in chapter 71.05 RCW, acute crisis  
15 respite care, long-term adaptive and rehabilitative care, and  
16 supervised and supported living services, and shall also include any  
17 residential services developed to service mentally ill persons in  
18 nursing homes, boarding homes, and adult family homes. Residential  
19 services for children in out-of-home placements related to their mental  
20 disorder shall not include the costs of food and shelter, except for  
21 children's long-term residential facilities existing prior to January  
22 1, 1991.

23        ~~((15))~~ (16) "Recovery" means the process in which people are able  
24 to live, work, learn, and participate fully in their communities.

25        (17) "Resilience" means the personal and community qualities that  
26 enable individuals to rebound from adversity, trauma, tragedy, threats,  
27 or other stresses, and to live productive lives.

28        (18) "Resource management services" mean the planning,  
29 coordination, and authorization of residential services and community  
30 support services administered pursuant to an individual service plan  
31 for: (a) Acutely mentally ill adults and children; (b) chronically  
32 mentally ill adults; (c) severely emotionally disturbed children; or  
33 (d) seriously disturbed adults determined solely by a regional support  
34 network to be at risk of becoming acutely or chronically mentally ill.  
35 Such planning, coordination, and authorization shall include mental  
36 health screening for children eligible under the federal Title XIX  
37 early and periodic screening, diagnosis, and treatment program.  
38 Resource management services include seven day a week, twenty-four hour

1 a day availability of information regarding mentally ill adults' and  
2 children's enrollment in services and their individual service plan to  
3 county-designated mental health professionals, evaluation and treatment  
4 facilities, and others as determined by the regional support network.

5 ~~((16))~~ (19) "Secretary" means the secretary of social and health  
6 services.

7 ~~((17))~~ (20) "Seriously disturbed person" means a person who:

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

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

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

17 (d) Exhibits suicidal preoccupation or attempts; or

18 (e) Is a child diagnosed by a mental health professional, as  
19 defined in chapter 71.34 RCW, as experiencing a mental disorder which  
20 is clearly interfering with the child's functioning in family or school  
21 or with peers or is clearly interfering with the child's personality  
22 development and learning.

23 ~~((18))~~ (21) "Severely emotionally disturbed child" means a child  
24 who has been determined by the regional support network to be  
25 experiencing a mental disorder as defined in chapter 71.34 RCW,  
26 including those mental disorders that result in a behavioral or conduct  
27 disorder, that is clearly interfering with the child's functioning in  
28 family or school or with peers and who meets at least one of the  
29 following criteria:

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

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

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

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

1 (i) Chronic family dysfunction involving a mentally ill or  
2 inadequate caretaker;

3 (ii) Changes in custodial adult;

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

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

9 (v) Drug or alcohol abuse; or

10 (vi) Homelessness.

11 ~~((19))~~ (22) "State minimum standards" means minimum requirements  
12 established by rules adopted by the secretary and necessary to  
13 implement this chapter for: (a) Delivery of mental health services;  
14 (b) licensed service providers for the provision of mental health  
15 services; (c) residential services; and (d) community support services  
16 and resource management services.

17 ~~((20))~~ (23) "Tribal authority," for the purposes of this section  
18 and RCW 71.24.300 only, means: The federally recognized Indian tribes  
19 and the major Indian organizations recognized by the secretary insofar  
20 as these organizations do not have a financial relationship with any  
21 regional support network that would present a conflict of interest.

22 **Sec. 3.** RCW 71.24.030 and 2001 c 323 s 9 are each amended to read  
23 as follows:

24 The secretary is authorized to make grants ~~((to))~~ and/or purchase  
25 services ~~((from counties or combinations of counties in the  
26 establishment and operation of))~~ to establish and operate community  
27 mental health programs.

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

30 The department of social and health services shall establish no  
31 fewer than eight regional support networks under this chapter. No  
32 entity shall be responsible for more than three regional support  
33 networks under the procurement process established under RCW 71.24.035.

34 **Sec. 5.** RCW 71.24.035 and 2001 c 334 s 7 and 2001 c 323 s 10 are  
35 each reenacted and amended to read as follows:

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

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

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

11 (4) The secretary shall be designated as the (~~county authority if~~  
12 ~~a county fails~~) regional support network if the regional support  
13 network fails to meet state minimum standards or refuses to exercise  
14 responsibilities under RCW 71.24.045.

15 (5) The secretary shall:

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

21 (b) Assure that any regional (~~or county~~) community mental health  
22 program provides access to treatment for the (~~county's~~) region's  
23 residents in the following order of priority: (i) The acutely mentally  
24 ill; (ii) chronically mentally ill adults and severely emotionally  
25 disturbed children; and (iii) the seriously disturbed. Such programs  
26 shall provide:

27 (A) Outpatient services;

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

29 (C) (~~Day treatment for mentally ill persons which includes~~  
30 ~~training in basic living and social skills, supported work, vocational~~  
31 ~~rehabilitation, and day activities. Such services may include~~  
32 ~~therapeutic treatment. In the case of a child, day treatment includes~~  
33 ~~age appropriate basic living and social skills, educational and~~  
34 ~~prevocational services, day activities, and therapeutic treatment~~)  
35 Intensive rehabilitative day support services that provide a range of  
36 integrated and varied life skills training which may include health,  
37 hygiene, nutritional issues, money management, maintaining living  
38 arrangements, and symptom management, to promote improved functioning

1 or a restoration to a previous higher level of functioning. In the  
2 case of a child, day supports include age-appropriate basic living and  
3 social skills, educational and prevocational services, day activities,  
4 and therapeutic treatment including school-based programming;

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

7 (E) Employment services, which may include supported employment,  
8 transitional work, placement in competitive employment, and other work-  
9 related services, that result in mentally ill persons becoming engaged  
10 in meaningful and gainful full or part-time work(~~(. — Other sources of~~  
11 ~~funding such as the division of vocational rehabilitation may be~~  
12 ~~utilized by the secretary to maximize federal funding and provide for~~  
13 ~~integration of services)));~~

14 (F) Consultation and education services; and

15 (G) Community support services;

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

19 (i) Licensed service providers. These rules shall permit a county-  
20 operated mental health program to be licensed as a service provider  
21 subject to compliance with applicable statutes and rules. The  
22 secretary shall provide for deeming of compliance with state minimum  
23 standards for those entities accredited by recognized behavioral health  
24 accrediting bodies recognized and having a current agreement with the  
25 department;

26 (ii) Regional support networks; and

27 (iii) Inpatient services, evaluation and treatment services and  
28 facilities under chapter 71.05 RCW, resource management services, and  
29 community support services;

30 (d) Assure that the special needs of minorities, the elderly,  
31 disabled, children, and low-income persons are met within the  
32 priorities established in this section;

33 (e) Establish a standard contract or contracts, using a standard  
34 procurement process consistent with state minimum standards, which  
35 shall be used in contracting with regional support networks (~~(or~~  
36 ~~counties))~~). The standard contract shall include a maximum fund  
37 balance, which shall (~~(not exceed ten percent))~~ be consistent with that  
38 required by federal regulations or waiver stipulations.

1       (i) The standardized procurement process shall encourage the  
2 preservation of infrastructure previously purchased by the community  
3 mental service delivery system, the maintenance of linkages between  
4 other services and delivery systems, and maximization of the use of  
5 available funds for services versus profits. County, provider, and  
6 consumer/advocate-based organizations should be given the opportunity  
7 to compete. The procurement shall provide that public funds shall not  
8 be used to promote or deter, encourage, or discourage employees from  
9 exercising their rights under section 7 of the federal labor relations  
10 act.

11       (ii) The secretary shall seek input from stakeholders in the  
12 development of the procurement;

13       (f) Ensure a regional support network shall not exceed an  
14 administrative cost of ten percent of available funds;

15       (g) Ensure that contracts between an entity serving as a regional  
16 support network and a subcontractor are subject to approval by the  
17 department;

18       (h) Establish, to the extent possible, a standardized auditing  
19 procedure which minimizes paperwork requirements of ((county  
20 authorities)) regional support networks and licensed service providers.  
21 The audit procedure shall focus on the outcomes of service and not the  
22 processes for accomplishing them;

23       ~~((g))~~ (i) Develop and maintain an information system to be used  
24 by the state((, counties,)) and regional support networks that includes  
25 a tracking method which allows the department and regional support  
26 networks to identify mental health clients' participation in any mental  
27 health service or public program on an immediate basis. The  
28 information system shall not include individual patient's case history  
29 files. Confidentiality of client information and records shall be  
30 maintained as provided in this chapter and in RCW 71.05.390, 71.05.400,  
31 71.05.410, 71.05.420, 71.05.430, and 71.05.440((. The design of the  
32 system and the data elements to be collected shall be reviewed by the  
33 work group appointed by the secretary under section 5(1) of this act  
34 and representing the department, regional support networks, service  
35 providers, consumers, and advocates. The data elements shall be  
36 designed to provide information that is needed to measure performance  
37 and achieve the service outcomes identified in section 5 of this act));

1       ~~((h))~~ (j) License service providers who meet state minimum  
2 standards;

3       ~~((i))~~ (k) Certify regional support networks that meet state  
4 minimum standards;

5       ~~((j))~~ (l) Periodically monitor the compliance of certified  
6 regional support networks and their network of licensed service  
7 providers for compliance with the contract between the department, the  
8 regional support network, and federal and state rules at reasonable  
9 times and in a reasonable manner;

10       ~~((k))~~ (m) Fix fees to be paid by evaluation and treatment centers  
11 to the secretary for the required inspections;

12       ~~((l))~~ (n) Monitor and audit ~~((counties,))~~ regional support  
13 networks~~((,))~~ and licensed service providers as needed to assure  
14 compliance with contractual agreements authorized by this chapter;  
15 ~~((and~~

16       ~~((m))~~ (o) Adopt such rules as are necessary to implement the  
17 department's responsibilities under this chapter; and

18       (p) Assure the availability of an appropriate, as determined by the  
19 legislature in the operating budget by amounts appropriated for this  
20 specific purpose, amount of community-based, geographically distributed  
21 residential services.

22       (6) The secretary shall use available resources only for ~~((regional~~  
23 ~~support networks))~~ the community mental health service delivery system,  
24 consistent with the priorities for both client populations and the  
25 services to be provided as defined in this chapter.

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

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

1 (9) The superior court may restrain any regional support network or  
2 service provider from operating without certification or a license or  
3 any other violation of this section. The court may also review,  
4 pursuant to procedures contained in chapter 34.05 RCW, any denial,  
5 suspension, limitation, restriction, or revocation of certification or  
6 license, and grant other relief required to enforce the provisions of  
7 this chapter.

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

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

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

24 (13)(a) The department, in consultation with affected parties,  
25 shall establish a distribution formula that reflects ((~~county~~))  
26 regional needs assessments based on the number of persons who are  
27 acutely mentally ill, chronically mentally ill, severely emotionally  
28 disturbed children, and seriously disturbed. The formula shall take  
29 into consideration the impact on ((~~counties~~)) regions of demographic  
30 factors ((~~in counties~~)) which result in concentrations of priority  
31 populations as set forth in subsection (5)(b) of this section. These  
32 factors shall include the population concentrations resulting from  
33 commitments under chapters 71.05 and 71.34 RCW to state psychiatric  
34 hospitals, as well as concentration in urban areas, at border crossings  
35 at state boundaries, and other significant demographic and workload  
36 factors.

37 (b) The formula shall also include a projection of the funding

1 allocations that will result for each ((~~county~~)) region, which  
2 specifies allocations according to priority populations, including the  
3 allocation for services to children and other underserved populations.

4 (c) After July 1, 2003, the department may allocate up to two  
5 percent of total funds to be distributed to the regional support  
6 networks for incentive payments to reward the achievement of superior  
7 outcomes, or significantly improved outcomes, as measured by a  
8 statewide performance measurement system consistent with the framework  
9 recommended in the joint legislative audit and review committee's  
10 performance audit of the mental health system. The department shall  
11 annually report to the legislature on its criteria and allocation of  
12 the incentives provided under this subsection.

13 (14) The secretary shall assume all duties assigned to ((~~the~~  
14 ~~nonparticipating counties~~)) regional support networks under chapters  
15 71.05, 71.34, and 71.24 RCW(~~(. — Such responsibilities shall include~~  
16 ~~those which would have been assigned to the nonparticipating counties~~  
17 ~~under)~~) in regions where there are not participating regional support  
18 networks.

19 The regional support networks, or the secretary's assumption of all  
20 responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be  
21 included in all state and federal plans affecting the state mental  
22 health program including at least those required by this chapter, the  
23 medicaid program, and P.L. 99-660. Nothing in these plans shall be  
24 inconsistent with the intent and requirements of this chapter.

25 (15) The secretary shall:

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

29 (b) Enter into biennial contracts with regional support networks.  
30 The contracts shall be consistent with available resources. No  
31 contract shall be approved that does not include progress toward  
32 meeting the goals of this chapter by taking responsibility for: (i)  
33 Short-term commitments; (ii) residential care; and (iii) emergency  
34 response systems.

35 (c) (~~Allocate one hundred percent of available resources to the~~  
36 ~~regional support networks in accordance with subsection (13) of this~~  
37 ~~section. Incentive payments authorized under subsection (13) of this~~  
38 ~~section may be allocated separately from other available resources.~~

1       ~~(d)~~) Notify regional support networks of their allocation of  
2 available resources at least sixty days prior to the start of a new  
3 biennial contract period.

4       ~~((e))~~ (d) Deny funding allocations to regional support networks  
5 based solely upon formal findings of noncompliance with the terms of  
6 the regional support network's contract with the department. Written  
7 notice and at least thirty days for corrective action must precede any  
8 such action. In such cases, regional support networks shall have full  
9 rights to appeal under chapter 34.05 RCW.

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

17       **Sec. 6.** RCW 71.24.045 and 2001 c 323 s 12 are each amended to read  
18 as follows:

19       The ~~((county authority))~~ regional support network shall:

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

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

32       (3) Monitor and perform biennial fiscal audits of licensed service  
33 providers who have contracted with the ~~((county))~~ regional support  
34 network to provide services required by this chapter. The monitoring  
35 and audits shall be performed by means of a formal process which  
36 insures that the licensed service providers and professionals  
37 designated in this subsection meet the terms of their contracts;

1 (4) Assure that the special needs of minorities, the elderly,  
2 disabled, children, and low-income persons are met within the  
3 priorities established in this chapter;

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

7 ~~(6) ((Use not more than two percent of state appropriated community  
8 mental health funds, which shall not include federal funds, to  
9 administer community mental health programs under RCW 71.24.155:  
10 PROVIDED, That county authorities serving a county or combination of  
11 counties whose population is one hundred twenty five thousand or more  
12 may be entitled to sufficient state appropriated community mental  
13 health funds to employ up to one full time employee or the equivalent  
14 thereof in addition to the two percent limit established in this  
15 subsection when such employee is providing staff services to a county  
16 mental health advisory board;~~

17 ~~(7))~~ Coordinate services for individuals who have received  
18 services through the community mental health system and who become  
19 patients at a state mental hospital.

20 **Sec. 7.** RCW 71.24.100 and 1982 c 204 s 7 are each amended to read  
21 as follows:

22 A county authority or a group of county authorities may enter into  
23 a joint operating agreement to form a regional support network. Any  
24 agreement between two or more county authorities for the establishment  
25 of a ~~((community mental health program))~~ regional support network shall  
26 provide:

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

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

34 **Sec. 8.** RCW 71.24.240 and 1982 c 204 s 13 are each amended to read  
35 as follows:

36 In order to establish eligibility for funding under this chapter,

1 any (~~county or counties~~) regional support network seeking to obtain  
2 federal funds for the support of any aspect of a community mental  
3 health program as defined in this chapter shall submit program plans to  
4 the secretary for prior review and approval before such plans are  
5 submitted to any federal agency.

6 **Sec. 9.** RCW 71.24.300 and 2001 c 323 s 17 are each amended to read  
7 as follows:

8 (~~A county authority or a group of county authorities whose  
9 combined population is no less than forty thousand may enter into a  
10 joint operating agreement to form a regional support network.~~) Upon  
11 the request of a tribal authority or authorities within a regional  
12 support network the joint operating agreement or the county authority  
13 shall allow for the inclusion of the tribal authority to be represented  
14 as a party to the regional support network. The roles and  
15 responsibilities of the county and tribal authorities shall be  
16 determined by the terms of that agreement including a determination of  
17 membership on the governing board and advisory committees, the number  
18 of tribal representatives to be party to the agreement, and the  
19 provisions of law and shall assure the provision of culturally  
20 competent services to the tribes served. The state mental health  
21 authority may not determine the roles and responsibilities of county  
22 authorities as to each other under regional support networks by rule,  
23 except to assure that all duties required of regional support networks  
24 are assigned and that counties and the regional support network do not  
25 duplicate functions and that a single authority has final  
26 responsibility for all available resources and performance under the  
27 regional support network's contract with the secretary. If a regional  
28 support network is a private entity, the department shall allow for the  
29 inclusion of the tribal authority to be represented as a party to the  
30 regional support network. The roles and responsibilities of the  
31 private entity and the tribal authorities shall be determined by the  
32 department, through negotiation with the tribal authority.

33 (1) Regional support networks shall submit an overall six-year  
34 operating and capital plan, timeline, and budget and submit progress  
35 reports and an updated two-year plan biennially thereafter, to assume  
36 within available resources all of the following duties:

1 (a) Administer and provide for the availability of all resource  
2 management services, residential services, and community support  
3 services.

4 ~~(b) ((Assume the powers and duties of county authorities within its  
5 area as described in RCW 71.24.045 (1) through (7)).~~

6 ~~(e))~~ Administer and provide for the availability of all  
7 investigation, transportation, court-related, and other services  
8 provided by the state or counties pursuant to chapter 71.05 RCW.

9 ~~((d))~~ (c) Provide within the boundaries of each regional support  
10 network evaluation and treatment services for at least eighty-five  
11 percent of persons detained or committed for periods up to seventeen  
12 days according to chapter 71.05 RCW. Regional support networks with  
13 populations of less than one hundred fifty thousand may contract to  
14 purchase evaluation and treatment services from other networks.  
15 Insofar as the original intent of serving persons in the community is  
16 maintained, the secretary is authorized to approve exceptions on a  
17 case-by-case basis to the requirement to provide evaluation and  
18 treatment services within the boundaries of each regional support  
19 network. Such exceptions are limited to contracts with neighboring or  
20 contiguous regions.

21 ~~((e))~~ (d) Administer a portion of funds appropriated by the  
22 legislature to house mentally ill persons in state institutions from  
23 counties within the boundaries of any regional support network, with  
24 the exception of persons currently confined at, or under the  
25 supervision of, a state mental hospital pursuant to chapter 10.77 RCW,  
26 and provide for the care of all persons needing evaluation and  
27 treatment services for periods up to seventeen days according to  
28 chapter 71.05 RCW in appropriate residential services, which may  
29 include state institutions. The regional support networks shall  
30 reimburse the state for use of state institutions at a rate equal to  
31 that assumed by the legislature when appropriating funds for such care  
32 at state institutions during the biennium when reimbursement occurs.  
33 The secretary shall submit a report to the appropriate committees of  
34 the senate and house of representatives on the efforts to implement  
35 this section by October 1, 2002. The duty of a state hospital to  
36 accept persons for evaluation and treatment under chapter 71.05 RCW is  
37 limited by the responsibilities assigned to regional support networks  
38 under this section.

1       ~~((f))~~ (e) Administer and provide for the availability of all  
2 other mental health services, which shall include patient counseling,  
3 ~~((day treatment))~~ intensive rehabilitative day support, consultation,  
4 education services, employment services as defined in RCW 71.24.035,  
5 and mental health services to children ~~((as provided in this chapter  
6 designed to achieve the outcomes specified in section 5 of this act))~~.

7       ~~((g))~~ (f) Establish standards and procedures for reviewing  
8 individual service plans and determining when that person may be  
9 discharged from resource management services.

10       ~~(2) ((Regional support networks shall assume all duties assigned to  
11 county authorities by this chapter and chapter 71.05 RCW.~~

12       ~~(3))~~ A regional support network may request that any state-owned  
13 land, building, facility, or other capital asset which was ever  
14 purchased, deeded, given, or placed in trust for the care of the  
15 mentally ill and which is within the boundaries of a regional support  
16 network be made available to support the operations of the regional  
17 support network. State agencies managing such capital assets shall  
18 give first priority to requests for their use pursuant to this chapter.

19       ~~((4))~~ (3) Each regional support network shall appoint a mental  
20 health advisory board which shall review and provide comments on plans  
21 and policies developed under this chapter, provide local oversight  
22 regarding the activities of the regional support network, and work with  
23 the regional support network to resolve significant concerns regarding  
24 service delivery and outcomes. The department shall establish  
25 statewide procedures for the operation of regional advisory committees  
26 including mechanisms for advisory board feedback to the department  
27 regarding regional support network performance. The composition of the  
28 board shall be ~~((broadly representative of the demographic character of  
29 the region and the mentally ill persons served therein. Length of  
30 terms of board members shall be determined by the regional support  
31 network))~~ established by the department and shall include, but not be  
32 limited to, representatives of consumers and families, county elected  
33 officials, and law enforcement.

34       ~~((5))~~ (4) Regional support networks shall assume all duties  
35 specified in their plans and joint operating agreements through  
36 biennial contractual agreements with the secretary.

37       ~~((6) Counties or groups of counties participating in a regional  
38 support network are not subject to RCW 71.24.045(6).~~

1       ~~(7))~~ (5) Regional support networks may receive technical  
2 assistance from the housing trust fund and may identify and submit  
3 projects for housing and housing support services to the housing trust  
4 fund established under chapter 43.185 RCW. Projects identified or  
5 submitted under this subsection must be fully integrated with the  
6 regional support network six-year operating and capital plan, timeline,  
7 and budget required by subsection (1) of this section.

8       **Sec. 10.** RCW 71.24.420 and 2001 c 323 s 2 are each amended to read  
9 as follows:

10       The department shall operate the community mental health service  
11 delivery system authorized under this chapter within the following  
12 constraints:

13       (1) The full amount of federal funds for mental health services,  
14 plus qualifying state expenditures as appropriated in the biennial  
15 operating budget, shall be appropriated to the department each year in  
16 the biennial appropriations act to carry out the provisions of the  
17 community mental health service delivery system authorized in this  
18 chapter.

19       ~~(2) ((The department may expend funds defined in subsection (1) of~~  
20 ~~this section in any manner that will effectively accomplish the outcome~~  
21 ~~measures defined in section 5 of this act.~~

22       ~~(3) The department shall implement strategies that accomplish the~~  
23 ~~outcome measures identified in section 5 of this act that are within~~  
24 ~~the funding constraints in this section.~~

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

27       NEW SECTION. **Sec. 11.** A new section is added to chapter 71.24 RCW  
28 to read as follows:

29       In the event the legislature appropriates funds to serve the  
30 nonmedicaid population, the legislature shall specify in the omnibus  
31 operating appropriations act the amount of state general fund moneys  
32 that shall be used for the priority populations as defined in RCW  
33 71.24.035(5)(b) and the services that shall be available through the  
34 community mental health service delivery system to serve them.

1        NEW SECTION.    **Sec. 12.**    A new section is added to chapter 74.09 RCW  
2 to read as follows:

3        (1) The department shall adopt rules and policies providing that  
4 when persons with a mental disorder, who were enrolled in medical  
5 assistance immediately prior to confinement, are released from  
6 confinement, their medical assistance coverage will be fully reinstated  
7 on the day of their release, subject to any expedited review of their  
8 continued eligibility for medical assistance coverage that is required  
9 under federal or state law.

10        (2) The department, in collaboration with the Washington  
11 association of sheriffs and police chiefs and regional support  
12 networks, shall establish procedures for coordination between  
13 department field offices and local jails that result in prompt  
14 reinstatement of eligibility and speedy eligibility determinations for  
15 persons who are likely to be eligible for medical assistance or medical  
16 care services while confined or upon release from confinement.  
17 Procedures developed under this subsection must address:

18        (a) Mechanisms for receiving medical assistance or medical care  
19 services applications on behalf of confined persons in anticipation of  
20 their release from confinement;

21        (b) Expeditious review of applications filed by or on behalf of  
22 confined persons and, to the extent practicable, completion of the  
23 review before the person is released;

24        (c) Mechanisms for providing medical assistance or medical care  
25 services identity cards to persons eligible for medical assistance or  
26 medical care services immediately upon their release from confinement;  
27 and

28        (d) Coordination with the federal social security administration,  
29 through interagency agreements or otherwise, to expedite processing of  
30 applications for federal supplemental security income or social  
31 security disability benefits.

32        (3) In determining disability or incapacity status for medical  
33 assistance or medical care services eligibility, the department shall  
34 accept disability or incapacity evaluations by a physician or other  
35 health professional permitted under federal or state law that are  
36 completed while the person is still confined.

37        (4) For purposes of this section, "confined" or "confinement" means

1 incarcerated in a correctional institution, as defined in RCW 9.94.049,  
2 or admitted to an institute for mental disease, as defined in 42 C.F.R.  
3 part 435, Sec. 1009 on the effective date of this section.

4 NEW SECTION. **Sec. 13.** (1) A joint legislative and executive task  
5 force on mental health services delivery and financing is created. The  
6 joint task force shall consist of eight members, as follows: The  
7 secretary of the department of social and health services or his or her  
8 designee; the president of the Washington state association of counties  
9 or his or her designee; a representative from the governor's office;  
10 two members of the senate appointed by the president of the senate, one  
11 of whom shall be a member of the majority caucus and one of whom shall  
12 be a member of the minority caucus; two members of the house of  
13 representatives appointed by the speaker of the house of  
14 representatives, one of whom shall be a member of the majority caucus  
15 and one of whom shall be a member of the minority caucus; and the chair  
16 of the joint legislative audit and review committee or his or her  
17 designee. Staff support for the joint task force shall be provided by  
18 the office of financial management, the house of representatives office  
19 of program research, and senate committee services.

20 (2) The joint task force may create advisory committees to assist  
21 the joint task force in its work.

22 (3) Joint task force members may be reimbursed for travel expenses  
23 as authorized under RCW 43.03.050 and 43.03.060 and chapter 44.04 RCW,  
24 as appropriate. Advisory committee members, if appointed, shall not  
25 receive compensation or reimbursement for travel or expenses.

26 (4) The joint task force shall oversee and make recommendations  
27 related to:

28 (a) The reorganization of the mental health administrative  
29 structure within the department of social and health services;

30 (b) The standard procurement process established by section 4 of  
31 this act, including a preprocurement request for information to  
32 identify organizations qualified to be designated a regional support  
33 network;

34 (c) The establishment of regional support networks through the  
35 standard procurement process;

36 (d) Serving the needs of nonmedicaid consumers for the priority  
37 populations under chapter 71.24 RCW; and

1 (e) The types, numbers, and locations of inpatient psychiatric  
2 hospital and community residential beds needed to serve persons with a  
3 mental illness.

4 (5) The joint task force shall report its initial findings and  
5 recommendations to the governor and appropriate committees of the  
6 legislature by January 1, 2006, and its final findings and  
7 recommendations by June 30, 2007.

8 (6) This section expires June 30, 2007.

9 **Sec. 14.** RCW 71.05.020 and 2000 c 94 s 1 are each amended to read  
10 as follows:

11 The definitions in this section apply throughout this chapter  
12 unless the context clearly requires otherwise.

13 (1) "Admission" or "admit" means a decision by a physician that a  
14 person should be examined or treated as a patient in a hospital;

15 (2) "Antipsychotic medications" means that class of drugs primarily  
16 used to treat serious manifestations of mental illness associated with  
17 thought disorders, which includes, but is not limited to atypical  
18 antipsychotic medications;

19 (3) "Attending staff" means any person on the staff of a public or  
20 private agency having responsibility for the care and treatment of a  
21 patient;

22 (4) "Commitment" means the determination by a court that a person  
23 should be detained for a period of either evaluation or treatment, or  
24 both, in an inpatient or a less restrictive setting;

25 (5) "Conditional release" means a revocable modification of a  
26 commitment, which may be revoked upon violation of any of its terms;

27 (6) (~~("County designated mental health professional" means a mental  
28 health professional appointed by the county to perform the duties  
29 specified in this chapter;~~

30 ~~(7))~~ "Custody" means involuntary detention under the provisions of  
31 this chapter or chapter 10.77 RCW, uninterrupted by any period of  
32 unconditional release from commitment from a facility providing  
33 involuntary care and treatment;

34 (~~(8))~~ (7) "Department" means the department of social and health  
35 services;

36 (8) "Designated mental health professional" means a mental health

1 professional certified by the department per rules adopted by the  
2 secretary and employed by or contracted with a regional support network  
3 established under chapter 71.24 RCW;

4 (9) "Detention" or "detain" means the lawful confinement of a  
5 person, under the provisions of this chapter;

6 (10) "Developmental disabilities professional" means a person who  
7 has specialized training and three years of experience in directly  
8 treating or working with persons with developmental disabilities and is  
9 a psychiatrist, psychologist, or social worker, and such other  
10 developmental disabilities professionals as may be defined by rules  
11 adopted by the secretary;

12 (11) "Developmental disability" means that condition defined in RCW  
13 71A.10.020(3);

14 (12) "Discharge" means the termination of hospital medical  
15 authority. The commitment may remain in place, be terminated, or be  
16 amended by court order;

17 (13) "Evaluation and treatment facility" means any facility which  
18 can provide directly, or by direct arrangement with other public or  
19 private agencies, emergency evaluation and treatment, outpatient care,  
20 and timely and appropriate inpatient care to persons suffering from a  
21 mental disorder, and which is certified as such by the department. A  
22 physically separate and separately operated portion of a state hospital  
23 may be designated as an evaluation and treatment facility. A facility  
24 which is part of, or operated by, the department or any federal agency  
25 will not require certification. No correctional institution or  
26 facility, or jail, shall be an evaluation and treatment facility within  
27 the meaning of this chapter;

28 (14) "Gravely disabled" means a condition in which a person, as a  
29 result of a mental disorder: (a) Is in danger of serious physical harm  
30 resulting from a failure to provide for his or her essential human  
31 needs of health or safety; or (b) manifests severe deterioration in  
32 routine functioning evidenced by repeated and escalating loss of  
33 cognitive or volitional control over his or her actions and is not  
34 receiving such care as is essential for his or her health or safety;

35 (15) "Habilitative services" means those services provided by  
36 program personnel to assist persons in acquiring and maintaining life  
37 skills and in raising their levels of physical, mental, social, and  
38 vocational functioning. Habilitative services include education,

1 training for employment, and therapy. The habilitative process shall  
2 be undertaken with recognition of the risk to the public safety  
3 presented by the individual being assisted as manifested by prior  
4 charged criminal conduct;

5 (16) "History of one or more violent acts" refers to the period of  
6 time ten years prior to the filing of a petition under this chapter,  
7 excluding any time spent, but not any violent acts committed, in a  
8 mental health facility or in confinement as a result of a criminal  
9 conviction;

10 (17) "Individualized service plan" means a plan prepared by a  
11 developmental disabilities professional with other professionals as a  
12 team, for an individual with developmental disabilities, which shall  
13 state:

14 (a) The nature of the person's specific problems, prior charged  
15 criminal behavior, and habilitation needs;

16 (b) The conditions and strategies necessary to achieve the purposes  
17 of habilitation;

18 (c) The intermediate and long-range goals of the habilitation  
19 program, with a projected timetable for the attainment;

20 (d) The rationale for using this plan of habilitation to achieve  
21 those intermediate and long-range goals;

22 (e) The staff responsible for carrying out the plan;

23 (f) Where relevant in light of past criminal behavior and due  
24 consideration for public safety, the criteria for proposed movement to  
25 less-restrictive settings, criteria for proposed eventual discharge or  
26 release, and a projected possible date for discharge or release; and

27 (g) The type of residence immediately anticipated for the person  
28 and possible future types of residences;

29 (18) "Judicial commitment" means a commitment by a court pursuant  
30 to the provisions of this chapter;

31 (19) "Likelihood of serious harm" means:

32 (a) A substantial risk that: (i) Physical harm will be inflicted  
33 by an individual upon his or her own person, as evidenced by threats or  
34 attempts to commit suicide or inflict physical harm on oneself; (ii)  
35 physical harm will be inflicted by an individual upon another, as  
36 evidenced by behavior which has caused such harm or which places  
37 another person or persons in reasonable fear of sustaining such harm;

1 or (iii) physical harm will be inflicted by an individual upon the  
2 property of others, as evidenced by behavior which has caused  
3 substantial loss or damage to the property of others; or

4 (b) The individual has threatened the physical safety of another  
5 and has a history of one or more violent acts;

6 (20) "Mental disorder" means any organic, mental, or emotional  
7 impairment which has substantial adverse effects on an individual's  
8 cognitive or volitional functions;

9 (21) "Mental health professional" means a psychiatrist,  
10 psychologist, psychiatric nurse, or social worker, and such other  
11 mental health professionals as may be defined by rules adopted by the  
12 secretary pursuant to the provisions of this chapter;

13 (22) "Peace officer" means a law enforcement official of a public  
14 agency or governmental unit, and includes persons specifically given  
15 peace officer powers by any state law, local ordinance, or judicial  
16 order of appointment;

17 (23) "Private agency" means any person, partnership, corporation,  
18 or association that is not a public agency, whether or not financed in  
19 whole or in part by public funds, which constitutes an evaluation and  
20 treatment facility or private institution, hospital, or sanitarium,  
21 which is conducted for, or includes a department or ward conducted for,  
22 the care and treatment of persons who are mentally ill;

23 (24) "Professional person" means a mental health professional and  
24 shall also mean a physician, registered nurse, and such others as may  
25 be defined by rules adopted by the secretary pursuant to the provisions  
26 of this chapter;

27 (25) "Psychiatrist" means a person having a license as a physician  
28 and surgeon in this state who has in addition completed three years of  
29 graduate training in psychiatry in a program approved by the American  
30 medical association or the American osteopathic association and is  
31 certified or eligible to be certified by the American board of  
32 psychiatry and neurology;

33 (26) "Psychologist" means a person who has been licensed as a  
34 psychologist pursuant to chapter 18.83 RCW;

35 (27) "Public agency" means any evaluation and treatment facility or  
36 institution, hospital, or sanitarium which is conducted for, or  
37 includes a department or ward conducted for, the care and treatment of

1 persons who are mentally ill((+{,+}))<sub>1</sub> if the agency is operated  
2 directly by, federal, state, county, or municipal government, or a  
3 combination of such governments;

4 (28) "Release" means legal termination of the commitment under the  
5 provisions of this chapter;

6 (29) "Resource management services" has the meaning given in  
7 chapter 71.24 RCW;

8 (30) "Secretary" means the secretary of the department of social  
9 and health services, or his or her designee;

10 (31) "Social worker" means a person with a master's or further  
11 advanced degree from an accredited school of social work or a degree  
12 deemed equivalent under rules adopted by the secretary;

13 (32) "Violent act" means behavior that resulted in homicide,  
14 attempted suicide, nonfatal injuries, or substantial damage to  
15 property.

16 NEW SECTION. **Sec. 15.** (1) The department of social and health  
17 services shall enter into an annual contract with regional support  
18 networks for the fiscal year ending June 30, 2006. The department  
19 shall issue a request for proposal to establish new regional support  
20 networks under RCW 71.24.035 to be effective July 1, 2006.

21 (2) This section expires June 30, 2007.

22 NEW SECTION. **Sec. 16.** The code reviser shall replace all  
23 references to "county designated mental health professional" with  
24 "designated mental health professional" in the Revised Code of  
25 Washington.

26 NEW SECTION. **Sec. 17.** This act does not affect any existing right  
27 acquired or liability or obligation incurred under the sections amended  
28 or repealed in this act or under any rule or order adopted under those  
29 sections, nor does it affect any proceeding instituted under those  
30 sections.

31 NEW SECTION. **Sec. 18.** If any provision of this act or its  
32 application to any person or circumstance is held invalid, the  
33 remainder of the act or the application of the provision to other  
34 persons or circumstances is not affected.

1        NEW SECTION.   **Sec. 19.**   This act is necessary for the immediate  
2   preservation of the public peace, health, or safety, or support of the  
3   state government and its existing public institutions, and takes effect  
4   immediately.

--- END ---