April 26, 2019

John Wiesman, DrPH, MPH, Secretary
Washington Department of Health
P.O. Box 47877
Olympia, WA 98504-7877

Dear Secretary Wiesman:

The 2019 legislative session has included an intense focus on behavioral health issues as we seek to reform and improve our state’s community and in-patient care systems. The Department of Health (DOH) will be tasked with writing rules to facilitate implementation of the bills we have passed, including 2SHB 1394, concerning community facilities needed to ensure a continuum of care for behavioral health patients. Among other measures, this bill will create a new facility type, the intensive behavioral health treatment facility.

These facilities are intended to provide care to individuals with specialized and intense behavioral health treatment needs who do not meet, or no longer meet, the criteria for involuntary treatment. Section three of 2SHB 1394 tasks DOH with creating standards for licensure or certification of intensive behavioral health treatment facilities. Among these requirements are staffing standards that provide “...an appropriate response to the acuity of the residents, including a clinical team and a high staff to patient ratio.” In the closing days of the legislative session, an amendment was introduced to strike the language requiring a high staff to patient ratio. However, due to a procedural error, this amendment was ruled out of order and did not receive a vote; it was the clear intent of the legislature to strike this language from the bill. Remaining time does not allow for further action on this issue without endangering passage of the underlying bill, which has received broad bipartisan support. Therefore, the purpose of this letter is to outline our intent and expectations with regard to rulemaking for the bill in general and this section in particular.

We anticipate that DOH will complete an extensive and thorough rulemaking process, working collaboratively with community behavioral health providers to establish this much-needed facility type. In line with our intent, we expect DOH staff to work closely with behavioral health agencies to establish a broad and flexible definition for the required staff to patient ratio, taking into account the needs of patients as well as the principles of
team-based care. We will monitor the rule-making process and will be available to provide input as needed, however it is our hope that the resulting regulations will not require further legislative action to establish these facilities.

Thank you for your time and attention.

Sincerely,

Manka Dhingra
Senator Manka Dhingra
45th Legislative District

Keith L. Wagoner
Senator Keith Wagoner
39th Legislative District

Eileen Cody
Representative Eileen Cody, RN
34th Legislative District

Joe Schmick
Representative Joe Schmick
9th Legislative District