0110 (amend), 0200 (amend), 0365 (amend), 0718 (amend), 0700 (amend), 0725 (new), 1118 (amend), 1134 (amend), 1136 (repeal), 1137 (new)

NOTES – DOH Stakeholder Rules Workshop HB 1394 August 26, 2019

Morning Meeting
Department of Health-Town Center Campus: 101 Israel Rd SE, Tumwater, WA 98501
GoTo Meeting/Call-in: https://global.gotomeeting.com/join/435305997
United States: +1 (571) 317-3122
Access Code: 435-305-997

Afternoon Meeting
Holiday Inn Express, 4460 3rd Ave S.E., Lacey WA, 98503
Call-in Only (no GoTo Meeting): 360-407-3811, ID: 6224566#

Breakout Groups

<table>
<thead>
<tr>
<th>Intensive Behavioral Health Treatment Facilities</th>
<th>TC2 Rm 145</th>
<th>8:30am-11:30am</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mental Health Peer Respite Centers</td>
<td>Holiday Inn Express</td>
<td>3pm – 5:00 pm</td>
</tr>
</tbody>
</table>

Meeting Resources:

- DOH Behavioral Health Agency (BHA) web site
- DOH Residential Treatment Facility (RTF) web site
- HB 1394 text
- Chapter 246-337 WAC for RTFs
- Peer Respite Handbook: A Guide to Understanding, Building, and Supporting Peer Respite
- Chapter 246-341 WAC for BHAs

Intensive Behavioral Health Treatment Facilities (IBHTF)

1) Introductions, summary of where we left off
2) Stephanie and Julie bring language and research and HCA questions from 8/19
3) Finish discussion on services and staffing
4) Discuss “limited egress” and how that applies in these facilities and language needed in rule
5) Draft language related to resident rights that are substantially similar to long term care resident rights.
   a) See Resident Rights Crosswalk document.
6) Wrap-up, next steps, and build agenda for next and final meeting

90-180 Day Services

1) We accomplished most of what we needed to. Please e-mail Julie between now and mid Sept if you have questions. We will circulate draft language and will touch base after JT&SV send through legal review. Melena will circulate to AAGs for DSHS-BHA/HCA Bob & Eric. Send to Melena when DOH sends for legal review.

Page 1 of 25
Mental Health Peer Respite Centers

1) Introductions, summary of where we left off
2) Review language drafted so far and check for any remaining gaps
3) Wrap-up, next steps, and build agenda for next meeting
Behavioral health services—Available certifications.

A behavioral health agency licensed by the department may become certified to provide one or more of the mental health, substance use disorder, and problem and pathological gambling services listed below:

(1) Outpatient:
   (a) Individual mental health treatment services;
   (b) Brief mental health intervention treatment services;
   (c) Group mental health therapy services;
   (d) Family therapy mental health services;
   (e) Rehabilitative case management mental health services;
   (f) Psychiatric medication mental health services and medication support services;
   (g) Day support mental health services;
   (h) Mental health outpatient services provided in a residential treatment facility (RTF);
   (i) Recovery support: Supported employment mental health services;
   (j) Recovery support: Supported employment substance use disorder services;
   (k) Recovery support: Supportive housing mental health services;
   (l) Recovery support: Supportive housing substance use disorder services;
   (m) Recovery support: Peer support mental health services;
   (n) Recovery Support: Mental health peer respite center
   (o) Recovery support: Wraparound facilitation mental health services;
   (p) Recovery support: Applied behavior analysis (ABA) mental health services;
   (q) Consumer-run recovery support: Clubhouse mental health services;
   (r) Substance use disorder level one outpatient services;
   (s) Substance use disorder level two intensive outpatient services;
   (t) Substance use disorder assessment only services;
   (u) Substance use disorder alcohol and drug information school services;
   (v) Substance use disorder information and crisis services;
   (w) Substance use disorder emergency service patrol services;
   (x) Substance use disorder screening and brief intervention services; and
   (y) Problem and pathological gambling services.

(2) Involuntary and court-ordered outpatient services:
   (a) Less restrictive alternative (LRA) or conditional release support behavioral health services;
   (b) Emergency involuntary detention designated crisis responder (DCR) mental health and substance use disorder services;
   (c) Substance use disorder counseling services subject to RCW 46.61.5056; and
   (d) Driving under the influence (DUI) substance use disorder assessment services.

(3) Crisis mental health services:
   (a) Crisis mental health telephone support services;
   (b) Crisis mental health outreach services;
(c) Crisis mental health stabilization services; and
(d) Crisis mental health peer support services.
(4) Opioid treatment program (OTP) services.
(5) Withdrawal management, residential substance use disorder treatment, and mental health inpatient services:
   (a) Withdrawal management facility services:
      (i) Withdrawal management services - Adult;
      (ii) Withdrawal management services - Youth;
      (iii) Secure withdrawal management and stabilization services - Adult; and
      (iv) Secure withdrawal management and stabilization services - Youth.
   (b) Residential substance use disorder treatment services:
      (i) Intensive substance use disorder inpatient services;
      (ii) Recovery house services;
      (iii) Long-term treatment services; and
      (iv) Youth residential services.
   (c) Mental health inpatient services:
      (i) Evaluation and treatment services -- Adult;
      (ii) Intensive behavioral health treatment services -- Adult;
      (iii) Child long-term inpatient program services;
      (iv) Crisis stabilization unit services;
      (v) Triage - Involuntary services;
      (vi) Triage - Voluntary services; and
      (vii) Competency evaluation and restoration treatment services.
[Statutory Authority: 2018 c 201 and 2018 c 291. WSR 19-09-062, § 246-341-0110, filed 4/16/19, effective 5/17/19.]

WAC 246-341-0200
Behavioral health services—Definitions.
The definitions in this section contain words and phrases used for behavioral health services.

"Absentee coverage" means the temporary replacement a clubhouse provides for the clubhouse member who is currently employed in a time-limited, part-time community job managed by the clubhouse.

"Administrator" means the designated person responsible for the operation of either the licensed treatment agency, or certified treatment service, or both.

"Adult" means an individual eighteen years of age or older. For purposes of the medicaid program, adult means an individual twenty-one years of age or older.
"ASAM criteria" means admission, continued service, and discharge criteria for the treatment of substance use disorders as published by the American Society of Addiction Medicine (ASAM).

"Assessment" means the process of obtaining all pertinent bio-psychosocial information, as identified by the individual, and family and collateral sources, for determining a diagnosis and to plan individualized services and supports.

"Authority" means the Washington state health care authority.

"Background check" means a search for criminal history record information that includes nonconviction data. A background check may include a national fingerprint-based background check, including a Federal Bureau of Investigation criminal history search.

"Behavioral health" means the prevention, treatment of, and recovery from any or all of the following disorders: Substance use disorders, mental health disorders, or problem and pathological gambling disorders.

"Behavioral health agency" or "agency" means an entity licensed by the department to provide behavioral health services.

"Behavioral health organization" or "BHO" means any county authority or group of county authorities or other entity recognized by the health care authority in contract in a defined region.

"Branch site" means a physically separate licensed site, governed by a parent organization, where qualified staff provides certified treatment services.

"Care coordination" means a process-oriented activity to facilitate ongoing communication and collaboration to meet multiple needs of an individual. Care coordination includes facilitating communication between the family, natural supports, community resources, and involved providers and agencies, organizing, facilitating and participating in team meetings, and providing for continuity of care by creating linkages to and managing transitions between levels of care.

"Certified" or "certification" means the status given by the department to provide substance use disorder, mental health, and problem and pathological gambling program-specific services.

"Certified problem gambling counselor" is an individual certified gambling counselor (WSCGC) or a nationally certified gambling counselor (NCGC), certified by the Washington State Gambling Counselor Certification Committee or the International Gambling Counselor Certification Board to provide problem and pathological gambling treatment services.

"Change in ownership" means one of the following:
(a) The ownership of a licensed behavioral health agency changes from one distinct legal owner to another distinct legal owner;

(b) The type of business changes from one type to another, such as, from a sole proprietorship to a corporation; or

(c) The current ownership takes on a new owner of five per cent or more of the organizational assets.

"Chemical dependency professional" or "CDP" means a person credentialed by the department as a chemical dependency professional (CDP) under chapter 246-811 WAC.

"Child," "minor," and "youth" mean:

(a) An individual under the age of eighteen years; or

(b) An individual age eighteen to twenty-one years who is eligible to receive and who elects to receive an early and periodic screening, diagnostic, and treatment (EPSDT) medicaid service. An individual age eighteen to twenty-one years who receives EPSDT services is not considered a "child" for any other purpose.

"Child mental health specialist" means a mental health professional with the following education and experience:

(a) A minimum of one hundred actual hours (not quarter or semester hours) of special training in child development and the treatment of children with serious emotional disturbance and their families; and

(b) The equivalent of one year of full-time experience in the treatment of seriously emotionally disturbed children and their families under the supervision of a child mental health specialist.

"Clinical record" means either a paper, or electronic file, or both that is maintained by the behavioral health agency and contains pertinent psychological, medical, and clinical information for each individual served.

"Clinical supervision" means regular and periodic activities performed by a professional licensed or certified under Title 18 RCW practicing within their scope of practice. Clinical supervision includes review of assessment, diagnostic formulation, treatment planning, progress toward completion of care, identification of barriers to care, continuation of services, authorization of care, and the direct observation of the delivery of clinical care.

"Clubhouse" means a community-based, recovery-focused program designed to support individuals living with the effects of mental illness, through employment, shared
contributions, and relationship building. A clubhouse operates under the fundamental principle that everyone has the potential to make productive contributions by focusing on the strengths, talents, and abilities of all members and fostering a sense of community and partnership.

“Community mental health agency” means the same as "behavioral health agency."

“Community relations plan" means a plan to minimize the impact of an opioid treatment program as defined by the Center for Substance Abuse Guidelines for the Accreditation of Opioid Treatment Programs, section 2.C.(4).

“Community support services” means services authorized, planned, and coordinated through resource management services including, at a minimum:

(a) Assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week;

(b) Prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law;

(c) Screening for patients being considered for admission to residential services;

(d) Diagnosis and treatment for children who are mentally or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment (EPSDT) program;

(e) Investigation, legal, and other nonresidential services under chapter 71.05 RCW;

(f) Case management services;

(g) Psychiatric treatment including medication supervision;

(h) Counseling;

(i) Psychotherapy;

(j) Assuring transfer of relevant patient information between service providers;

(k) Recovery services; and

(l) Other services determined by behavioral health organizations.

"Complaint" means an alleged violation of licensing or certification requirements under chapters 71.05, 71.12, 71.24, 71.34 RCW, and this chapter, which has been authorized by the department for investigation.
"Consent" means agreement given by an individual after the person is provided with a description of the nature, character, anticipated results of proposed treatments and the recognized serious possible risks, complications, and anticipated benefits, including alternatives and nontreatment, that must be provided in a terminology that the person can reasonably be expected to understand.

"Consultation" means the clinical review and development of recommendations by persons with appropriate knowledge and experience regarding activities or decisions of clinical staff, contracted employees, volunteers, or students.

"Co-occurring disorder" means the co-existence of both a mental health and a substance use disorder. Co-occurring treatment is a unified treatment approach intended to treat both disorders within the context of a primary treatment relationship or treatment setting.

"Crisis" means an actual or perceived urgent or emergent situation that occurs when an individual's stability or functioning is disrupted and there is an immediate need to resolve the situation to prevent a serious deterioration in the individual's mental or physical health, or to prevent the need for referral to a significantly higher level of care.

"Critical incident" means any one of the following events:

(a) Any death, serious injury, or sexual assault that occurs at an agency that is licensed by the department;

(b) Alleged abuse or neglect of an individual receiving services, that is of a serious or emergency nature, by an employee, volunteer, licensee, contractor, or another individual receiving services;

(c) A natural disaster, such as an earthquake, volcanic eruption, tsunami, urban fire, flood, or outbreak of communicable disease that presents substantial threat to facility operation or client safety;

(d) A bomb threat;

(e) Theft or loss of data in any form regarding an individual receiving services, such as a missing or stolen computer, or a missing or stolen computer disc or flash drive;

(f) Suicide attempt at the facility;

(g) An error in program-administered medication at an outpatient facility that results in adverse effects for the individual and requires urgent medical intervention; and

(h) Any media event regarding an individual receiving services, or regarding a staff member or owner(s) of the agency.
"Cultural competence" or "culturally competent" means the ability to recognize and respond to health-related beliefs and cultural values, disease incidence and prevalence, and treatment efficacy. Examples of culturally competent care include striving to overcome cultural, language, and communications barriers, providing an environment in which individuals from diverse cultural backgrounds feel comfortable discussing their cultural health beliefs and practices in the context of negotiating treatment options, encouraging individuals to express their spiritual beliefs and cultural practices, and being familiar with and respectful of various traditional healing systems and beliefs and, where appropriate, integrating these approaches into treatment plans.

"Deemed" means a status that may be given to a licensed behavioral health agency as a result of the agency receiving accreditation by a recognized behavioral health accrediting body which has a current agreement with the department.

"Department" means the Washington state department of health.

"Designated crisis responder" or "DCR" means a mental health professional appointed by the county or the BHO who is authorized to conduct investigations, detain persons up to seventy-two hours at the proper facility, and carry out the other functions identified in chapters 71.05 and 71.34 RCW. To qualify as a designated crisis responder, a person must complete substance use disorder training specific to the duties of a designated crisis responder.

"Disability" means a physical or mental impairment that substantially limits one or more major life activities of the individual and the individual:

(a) Has a record of such an impairment; or

(b) Is regarded as having such impairment.

"Early and periodic screening, diagnosis and treatment" or "EPSDT" means a comprehensive child health medicaid program that entitles individuals age twenty and younger to preventive care and treatment services. These services are outlined in chapter 182-534 WAC.

"Governing body" means the entity with legal authority and responsibility for the operation of the behavioral health agency, to include its officers, board of directors or the trustees of a corporation or limited liability company.

"Grievance" means the same as defined in WAC 182-538D-0655.

"HIV/AIDS brief risk intervention" means a face-to-face interview with an individual to help the individual assess personal risk for HIV/AIDS infection and discuss methods to reduce infection transmission.
"Individual" means a person who applies for, is eligible for, or receives behavioral health services from an agency licensed by the department.

"Less restrictive alternative (LRA)" means court ordered outpatient treatment in a setting less restrictive than total confinement.

"Licensed" or "licensure" means the status given to behavioral health agencies by the department under its authority to license and certify mental health and substance use disorder programs under chapters 71.05, 71.12, 71.34, and 71.24 RCW and its authority to certify problem and pathological gambling treatment programs under RCW 43.20A.890.

"Medical necessity" or "medically necessary" is a term for describing a required service that is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions in the recipient that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective, more conservative or substantially less costly course of treatment available or suitable for the person requesting service. Course of treatment may include mere observation or, where appropriate, no treatment at all.

"Medical practitioner" means a physician, advance registered nurse practitioner (ARNP), or certified physician assistant. An ARNP and a midwife with prescriptive authority may perform practitioner functions related only to specific specialty services.

"Medication administration" means the direct application of a medication or device by ingestion, inhalation, injection or any other means, whether self-administered by a resident, or administered by a guardian (for a minor), or an authorized health care provider.

"Mental health disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person’s cognitive or volitional functions.

"Mental health professional" or "MHP" means a designation given by the department to an agency staff member or an attestation by the licensed behavioral health agency that the person meets the following:

(a) A psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner (ARNP), psychiatric nurse, or social worker as defined in chapters 71.05 and 71.34 RCW;

(b) A person who is licensed by the department as a mental health counselor or mental health counselor associate, marriage and family therapist, or marriage and family therapist associate;
(c) A person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university who has at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, experience that was gained under the supervision of a mental health professional recognized by the department or attested to by the licensed behavioral health agency;

(d) A person who meets the waiver criteria of RCW 71.24.260, and the waiver was granted prior to 1986; or

(e) A person who had an approved waiver to perform the duties of a mental health professional (MHP), that was requested by the behavioral health organization (BHO) and granted by the mental health division prior to July 1, 2001.

"Minor" means the same as "child."

"Off-site" means the provision of services by a provider from a licensed behavioral health agency at a location where the assessment or treatment is not the primary purpose of the site, such as in schools, hospitals, long-term care facilities, correctional facilities, an individual's residence, the community, or housing provided by or under an agreement with the agency.

"Outpatient services" means behavioral health treatment services provided to an individual in a nonresidential setting. A residential treatment facility (RTF) may become certified to provide outpatient services.

"Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

"Peer counselor" means the same as defined in WAC 182-538D-0200.

"Probation" means a licensing or certification status resulting from a finding of deficiencies that requires immediate corrective action to maintain licensure or certification.

"Problem and pathological gambling" means one or more of the following disorders:

(a) "Pathological gambling" means a mental disorder characterized by loss of control over gambling, progression in preoccupation with gambling and in obtaining money to gamble, and continuation of gambling despite adverse consequences;

(b) "Problem gambling" is an earlier stage of pathological gambling that compromises, disrupts, or damages family or personal relationships or vocational pursuits.
"Progress notes" means permanent written or electronic record of services and supports provided to an individual documenting the individual's participation in, and response to, treatment, progress in recovery, and progress toward intended outcomes.

"Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities same as RCW 71.24.025.

"Relocation" means a physical change in location from one address to another.

"Remodeling" means expanding existing office space to additional office space at the same address, or remodeling interior walls and space within existing office space to a degree that accessibility to or within the facility is impacted.

"Secretary" means the secretary of the department of health.

"Service area" means the geographic area covered by each behavioral health organization (BHO) for which it is responsible.

"Short-term facility" means a facility licensed and certified by the department of health under RCW 71.24.035 which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization. Length of stay in a short-term facility is less than fourteen days from the day of admission.

"State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for delivery of behavioral health services.

"Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

"Summary suspension" means the immediate suspension of either a facility's license or program-specific certification or both by the department pending administrative proceedings for suspension, revocation, or other actions deemed necessary by the department.

"Supervision" means the regular monitoring of the administrative, clinical, or clerical work performance of a staff member, trainee, student, volunteer, or employee on contract by a person with the authority to give direction and require change.

"Suspend" means termination of a behavioral health agency's license or program specific certification to provide behavioral health treatment program service for a specified period or until specific conditions have been met and the department notifies the agency of the program's reinstatement of license or certification.
"Triage facility" means a short-term facility or a portion of a facility licensed and certified by the department under RCW 71.24.035 that is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual. A triage facility must meet department residential treatment facility standards and may be structured as either a voluntary or involuntary placement facility or both.

"Triage involuntary placement facility" means a triage facility that has elected to operate as an involuntary facility and may, at the direction of a peace officer, hold an individual for up to twelve hours. A peace officer or designated crisis responder may take or cause the person to be taken into custody and immediately delivered to the triage facility. The facility may ask for an involuntarily admitted individual to be assessed by a mental health professional for potential for voluntary admission. The individual has to agree in writing to the conditions of the voluntary admission.

"Triage voluntary placement facility" means a triage facility where the individual may elect to leave the facility of their own accord, at any time. A triage voluntary placement facility may only accept voluntary admissions.

"Tribal authority" means, for the purposes of behavioral health organizations and RCW 71.24.300 only, the federally recognized Indian tribes and the major Indian organizations recognized by the secretary as long as these organizations do not have a financial relationship with any behavioral health organization that would present a conflict of interest.

"Vulnerable adult" has the same meaning as defined in chapter 74.34 RCW.

"Withdrawal management" means services provided during the initial period of care and treatment to an individual intoxicated or incapacitated by substance use.

"Work-ordered day" means a model used to organize clubhouse activities during the clubhouse’s normal working hours. Members and staff are organized into one or more work units which provide meaningful and engaging work essential to running the clubhouse. Activities include unit meetings, planning, organizing the work of the day, and performing the work that needs to be accomplished to keep the clubhouse functioning. Members and staff work side-by-side as colleagues. Members participate as they feel ready and according to their individual interests. While intended to provide members with working experience, work in the clubhouse is not intended to be job-specific training, and members are neither paid for clubhouse work nor provided artificial rewards. Work-ordered day does not include medication clinics, day treatment, or other therapy programs.

"Youth" means the same as "child."

[Statutory Authority: 2018 c 201 and 2018 c 291. WSR 19-09-062, § 246-341-0200, filed 4/16/19, effective 5/17/19.]
246-341-0365
Agency licensure and certification—Fee requirements.

(1) Payment of licensing and specific program certification fees required under this chapter must be included with the initial application, renewal application, or with requests for other services.

(2) Payment of fees must be made by check, bank draft, electronic transfer, or money order made payable to the department.

(3) The department may refund one-half of the application fee if an application is withdrawn before certification or denial.

(4) Fees will not be refunded when licensure or certification is denied, revoked, or suspended.

(5) The department charges the following fees for approved substance use disorder treatment programs:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee</th>
</tr>
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<tbody>
<tr>
<td>New agency application</td>
<td>$1,000</td>
</tr>
<tr>
<td>Branch agency application</td>
<td>$500</td>
</tr>
<tr>
<td>Application to add one or more services</td>
<td>$200</td>
</tr>
<tr>
<td>Application to change ownership</td>
<td>$500</td>
</tr>
<tr>
<td>Initial and annual certification fees for withdrawal management, residential, and nonresidential services</td>
<td></td>
</tr>
<tr>
<td>Withdrawal management and residential services</td>
<td>$100 per licensed bed, per year, for agencies not renewing certification through deeming</td>
</tr>
<tr>
<td>Nonresidential services</td>
<td>$750 per year for agencies certified through deeming per WAC 246-341-0310</td>
</tr>
<tr>
<td>Complaint/critical incident investigation fees</td>
<td>$1,000 per substantiated complaint investigation and $1,000 per substantiated critical incident investigation that results in a requirement for corrective action</td>
</tr>
</tbody>
</table>

(6) Agency providers must annually complete a declaration form provided by the department to indicate information necessary for establishing fees and updating certification information. Required information includes, but is not limited to:
(a) The number of licensed withdrawal management and residential beds; and
(b) The agency provider's national accreditation status.
(7) The department charges the following fees for approved mental health
treatment programs:

<table>
<thead>
<tr>
<th>Licensing application fee</th>
<th>$1,000 initial licensing fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial and annual licensing fees for agencies not deemed</td>
<td></td>
</tr>
<tr>
<td>Initial and annual licensing fees:</td>
<td></td>
</tr>
<tr>
<td>0-3,999</td>
<td>$728</td>
</tr>
<tr>
<td>4,000-14,999</td>
<td>$1,055</td>
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<td>15,000-49,999</td>
<td>$1,405</td>
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<tr>
<td>50,000 or more</td>
<td>$2,105</td>
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<tr>
<td>Annual licensing fees for deemed agencies</td>
<td></td>
</tr>
<tr>
<td>$500 annual licensing fee</td>
<td></td>
</tr>
<tr>
<td>Complaint/critical incident investigation fee</td>
<td></td>
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<tr>
<td>$1,000 per substantiated complaint investigation and $1,000 per substantiated critical incident investigation that results in a requirement for corrective action</td>
<td></td>
</tr>
</tbody>
</table>

(8) Agencies providing nonresidential mental health services must report the number of annual service hours provided based on the department's current published "Service Encounter Reporting Instructions for BHOs" and the "Consumer Information System (CIS) Data Dictionary for BHOs."
(a) Existing licensed agencies must compute the annual service hours based on the most recent state fiscal year.
(b) Newly licensed agencies must compute the annual service hours by projecting the service hours for the first twelve months of operation.
(9) Agencies providing mental health peer respite center services, intensive behavioral health treatment services, inpatient evaluation and treatment services, and competency evaluation and restoration treatment services must pay the following certification fees:
(a) Ninety dollars initial certification fee, per bed; and
(b) Ninety dollars annual certification fee, per bed.
[Statutory Authority: 2018 c 201 and 2018 c 291. WSR 19-09-062, § 246-341-0365, filed 4/16/19, effective 5/17/19.]
Outpatient and mental health peer respite services—General.

Outpatient behavioral health services are intended to improve or reduce symptoms and help facilitate resolution of situational disturbances for individuals in the areas of relationships, employment, and community integration.

(1) Outpatient services include the following:
   (a) Individual mental health treatment services;
   (b) Brief mental health intervention treatment services;
   (c) Group mental health therapy services;
   (d) Family therapy mental health services;
   (e) Rehabilitative case management mental health services;
   (f) Psychiatric medication mental health services and medication support;
   (g) Day support mental health services;
   (h) Mental health outpatient services provided in a residential treatment facility (RTF);
   (i) Recovery support services including:
       (i) Supported employment mental health and substance use disorder services;
       (ii) Supportive housing mental health and substance use disorder services;
       (iii) Peer support mental health services;
       (iv) Mental health peer respite services;
       (v) Wraparound facilitation mental health services;
   (v) Applied behavior analysis (ABA) mental health services; and
   (vi) Consumer-run clubhouse mental health services.
   (j) Level one outpatient substance use disorder services;
   (k) Level two intensive outpatient substance use disorder services;
   (l) Substance use disorder assessment only services;
   (m) Alcohol and drug information school;
   (n) Substance use disorder information and crisis services;
   (o) Substance use disorder emergency service patrol services;
   (p) Substance use disorder screening and brief intervention services; and
   (q) Problem and pathological gambling services.

(2) A behavioral health agency that provides outpatient services must:
   (a) Be licensed by the department as a behavioral health agency; and
   (b) Meet the applicable program-specific requirements for each outpatient behavioral health services provided.

[Statutory Authority: 2018 c 201 and 2018 c 291. WSR 19-09-062, § 246-341-0700, filed 4/16/19, effective 5/17/19.]
(a) Supported employment services;
(b) Supportive housing services;
(c) Peer support services;
(d) Mental health peer respite services;
(e) Wraparound facilitation services;
(f) Applied behavior analysis (ABA) services; and
(g) Consumer-run clubhouse services.

(2) An agency that provides any recovery support service may operate through an agreement with a licensed behavioral health agency that provides certified outpatient behavioral health services listed in WAC 246-341-0700. The agreement must specify the responsibility for initial assessments, the determination of appropriate services, individual service planning, and the documentation of these requirements. Subsections (3) through (5) of this section list the abbreviated requirements for assessments, staff, and clinical records.

(3) When providing any recovery support service, a behavioral health agency must:

(a) Have an assessment process to determine the appropriateness of the agency's services, based on the individual's needs and goals;
(b) Refer an individual to a more intensive level of care when appropriate; and
(c) With the consent of the individual, include the individual's family members, significant others, and other relevant treatment providers as necessary to provide support to the individual.

(4) An agency providing recovery support services must ensure:

(a) Each staff member working directly with an individual receiving any recovery support service has annual violence prevention training on the safety and violence prevention topics described in RCW 49.19.030; and
(b) The staff member's personnel record documents the training.

(5) An agency providing any recovery support service must maintain an individual's clinical record that contains:

(a) Documentation of the following:
(i) The name of the agency or other sources through which the individual was referred;
(ii) A brief summary of each service encounter, including the date, time, and duration of the encounter; and

(iii) Names of participant(s), including the name of the individual who provided the service.

(b) Any information or copies of documents shared by, or with, a behavioral health agency certified for outpatient mental health services.

[Statutory Authority: 2018 c 201 and 2018 c 291. WSR 19-09-062, § 246-341-0718, filed 4/16/19, effective 5/17/19.]

246-341-0725
Recovery support - Mental health peer respite

(1) Mental health peer respite services are voluntary, holistic, short term, non-crisis services, provided in a home-like environment, which focus on recovery and wellness. These services are provided for individuals who are:

(a) At least eighteen years of age;
(b) Experiencing psychiatric distress but who are not detained or involuntarily committed under chapter 71.05 RCW; and
(c) Independently seeking respite services by their own choice.

(2) An agency providing mental health peer respite services must meet the general requirements in WAC 246-341-0718 for recovery support services and WAC 246-341-0724 for peer support services.

(3) An agency providing mental health peer respite services must:

(a) Coordinate with the local crisis system including agencies providing evaluation and treatment services and designated crisis responders;
(b) Be staffed twenty four hours per day, seven days a week;
(c) Be peer-run. This includes:
   (i) Having a governing body or board with a majority of members who are peers; and
   (ii) Supervision of services by a certified peer counselor who meets the qualifications for a mental health professional.

(d) Limit services to an individual to a maximum of seven days in a thirty-day period; and
(e) Only provide peer support services unless the agency has additional applicable licensure or certification.

(4) Mental health peer respite center services must be provided in a building that meets local building and zoning codes policies and procedures that address the following:

(a) Kitchen environment, including domestic kitchen equipment that is in good working repair and follows general principles of safe food handling.

Commented [VSE(1)]: 5 facilities that HCA has to stand up. Funding for 4 plus maybe separate funding for drop in. Why is this not including Crisis Peer Support. With outreach. Look into any barriers. Add: Trauma-informed

Commented [VSE(2)]: Put something here regarding taking care of their own ADLs. What if they had a caregiver? We could word it in a way that would allow a caregiver. Does it depend on how many caregiver hours the person had? What about ADA requirements? What about service dog? Covered by ADA. Cindy can send national model language.

Commented [VSE(3)]: Non-clinical

Commented [VSE(4)]: Minimum of 2 staff? 6 beds or less?

Commented [TJ(5)]: Is it seven consecutive days? Days or nights?

Commented [VSE(6R5)]: Replace “days” with “nights” Maybe start with “having a policy to limit services…”

Commented [VSE(7)]: Remove e)? or add “except inpatient care” But recovery support “only provide additional recovery support services” “only provide recovery support services that peers can provide”
0110 (amend), 0200 (amend), 0365 (amend), 0718 (amend), 0700 (amend), 0725 (new), 1118 (amend), 1134 (amend), 1136 (repeal), 1137 (new)

(b) Food storage, including how the agency will provide each resident with adequate storage for perishable and non-perishable food items;
(c) Laundry facilities, including how the agency will give residents access to laundry facilities and equipment that is clean and in good repair;
(d) Housekeeping, including cleaning, maintenance, and refuse disposal;
(e) Bedding and linens, including how the agency will provide each resident with clean, sanitary bedding and linens that are in good repair;
(f) Secure storage, including how each individual is provided with secure storage for personal belongings including medications; and
(g) Furnishings, including how the agency will provide appropriate furniture for bedrooms and common spaces, as well as other furnishings appropriate to create a home-like setting.

246-341-1118
Mental health inpatient services—General.

(1) Inpatient services include the following types of behavioral health services certified by the department:
(a) Evaluation and treatment services;
(b) Intensive behavioral health treatment services;
(c) Child long-term inpatient program (CLIP);
(d) Crisis stabilization units;
(e) Triage services; and
(f) Competency evaluation and treatment services.

(2) An agency providing inpatient services to an individual must:
(a) Be a facility licensed by the department under one of the following chapters:
   (i) Hospital licensing regulations (chapter 246-320 WAC);
   (ii) Private psychiatric and alcoholism hospitals (chapter 246-322 WAC);
   (iii) Private alcohol and substance use disorder hospitals (chapter 246-324 WAC);
   (iv) Residential treatment facility (chapter 246-337 WAC).
(b) Be licensed by the department as a behavioral health agency;
(c) Meet the applicable behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 246-341-0100 through 246-341-0650;
(d) Meet the applicable inpatient services requirements in WAC 246-341-1118 through 246-341-1132;
(e) Have policies and procedures to support and implement the specific applicable program-specific requirements; and
(f) If applicable, have policies to ensure compliance with WAC 246-337-110 regarding seclusion and restraint.

(3) The behavioral health agency providing inpatient services must document the development of an individualized annual training plan, to include at least:

Commented [VSE(8)]: Where is it fit to say that guests need to be able to take care of their ADL
Commented [VSE(9)]: Just saying "peer services" is more appropriate than "recovery services" Maybe "peer recovery services"
Commented [VSE(10)]: Conversation about matching peers to appropriate experience of individuals. HCA is training all peers to the SAMHSA core competencies.
(a) Least restrictive alternative options available in the community and how to access them;
(b) Methods of individual care;
(c) Deescalation training and management of assaultive and self-destructive behaviors, including proper and safe use of seclusion and restraint procedures; and
(d) The requirements of chapter 71.05 and 71.34 RCW, this chapter, and protocols developed by the department.
(4) If contract staff are providing direct services, the facility must ensure compliance with the training requirements outlined in subsection (4) of this section.
(5) This chapter does not apply to state psychiatric hospitals as defined in chapter 72.23 RCW or facilities owned or operated by the department of veterans affairs or other agencies of the United States government.
[Statutory Authority: 2018 c 201 and 2018 c 291. WSR 19-09-062, § 246-341-1118, filed 4/16/19, effective 5/17/19.]

246-341-1134
Mental health inpatient services—Evaluation and treatment services.

Evaluation and treatment services are provided for individuals who are detained or are on fourteen, ninety, or one hundred and eighty day civil commitment orders. An agency providing evaluation and treatment services may choose to serve persons on fourteen-day short-term commitment orders, 90 and one hundred and eighty-day long-term commitment orders, or both. Agencies providing evaluation and treatment services may also provide services for individuals who are not detained or committed.

(1) In addition to meeting the agency licensure, certification, administration, personnel, and clinical requirements in WAC 246-341-0100 through 246-341-0650, and the applicable inpatient services requirements in WAC 246-341-1118 through 246-341-1132 an agency providing evaluation and treatment services must ensure:

(1a) Designation of a physician or other mental health professional as the professional person as defined in RCW 71.05.020 in charge of clinical services at that facility; and

(1b) A policy management structure that establishes:

(1ia) Procedures to assure appropriate and safe transportation for persons who are not approved for admission to his or her residence or other appropriate place;

(1ib) Procedures to detain arrested persons who are not approved for admission for up to eight hours so that reasonable attempts can be made to notify law enforcement to return to the facility and take the person back into custody;

(1ic) Procedures to assure the rights of individuals to make mental health advance directives, and facility protocols for responding to individual and agent requests consistent with RCW 71.32.150;

(1ivd) Procedures to ensure that if the facility releases the individual to the community, the facility informs the peace officer of the release within a reasonable
period of time after the release if the peace officer has specifically requested notification and has provided contact information to the facility;

(ye) Procedures to document that each individual has received evaluations to determine the nature of the disorder and the treatment necessary, including a psychosocial evaluation by a mental health professional; and

(yif) For individuals who are being evaluated as dangerous mentally ill offenders under RCW 72.09.370(7), the professional person in charge of the evaluation and treatment facility must consider filing a petition for a ninety day less restrictive alternative in lieu of a petition for a fourteen-day commitment.

(2) A facility providing evaluation and treatment services may provide treatment for a child on a one hundred and eighty-day inpatient involuntary commitment order only until the child is discharged from the order to the community, or until a bed is available for that child in a child long-term inpatient treatment facility (CLIP). The child cannot be assigned by the CLIP placement team in accordance with RCW 71.34.100 to any facility other than a CLIP facility.

[Statutory Authority: 2018 c 201 and 2018 c 291. WSR 19-09-062, § 246-341-1134, filed 4/16/19, effective 5/17/19.]

246-341-1136
Mental health inpatient services—Exception—Long-term certification.

(1) For adults: At the discretion of the department, a facility may be granted an exception in order to allow the facility to be certified to provide treatment to adults on a ninety or one hundred eighty-day involuntary commitment orders.

(2) For children: At the discretion of the department, a facility that is certified as a ‘mental health inpatient evaluation and treatment facility’ may be granted an exception to provide treatment to a child on a one hundred and eighty-day involuntary commitment order only until the child is discharged from his/her order to the community, or until a bed is available for that child in a child long-term inpatient treatment facility (CLIP). The child cannot be assigned by the CLIP placement team in accordance with RCW 71.34.100 to any facility other than a CLIP facility.

(3) The exception certification may be requested by the facility, the director of the department or their designee, or the behavioral health organization for the facility’s geographic area.

(4) The facility receiving the long-term exception certification for ninety or one hundred eighty-day patients must meet all requirements found in WAC 246-341-1134.

(5) The exception certification must be signed by the secretary or secretary’s designee. The exception certification may impose additional requirements, such as types of consumers allowed and not allowed at the facility, reporting requirements, requirements that the facility immediately report suspected or alleged incidents of abuse, or any other requirements that the secretary or secretary's designee determines are necessary for the best interests of residents.

(6) The department may make unannounced site visits at any time to verify that the terms of the exception certification are being met. Failure to comply with any term of
the exception certification may result in corrective action. If the department determines that the violation places residents in imminent jeopardy, immediate revocation of the certification can occur.

(7) Neither individuals nor facilities have fair hearing rights as defined under chapter 388-02 WAC regarding the decision to grant or not to grant exception certification.

[Statutory Authority: 2018 c 201 and 2018 c 291. WSR 19-09-062, § 246-341-1136, filed 4/16/19, effective 5/17/19.]

246-341-1137
Behavioral health inpatient services—Intensive behavioral health treatment services.

(1) Intensive behavioral health treatment services are intended to assist individuals in transitioning to lower levels of care, including those on a less restrictive alternative order. These services are provided to individuals with behavioral health conditions whose impairment or behaviors do not meet or no longer meet criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community based settings due to one or more of the following:

(a) Self-endangering behaviors that are frequent or difficult to manage;
(b) Intrusive behaviors that put residents or staff at risk;
(c) Complex medication needs, which include psychotropic medications;
(d) A history or likelihood of unsuccessful placements in other community facilities or settings such as: ……;
(e) A history of frequent or protracted mental health hospitalizations; or
(f) A history of offenses against a person or felony offenses that created substantial damage to property.

(2) In addition to meeting the agency licensure, certification, administration, personnel, and clinical requirements in WAC 246-341-0100 through 246-341-0650, and the applicable inpatient services requirements in WAC 246-341-1118 through 246-341-1132 an agency providing intensive behavioral health treatment services must ensure services are provided:

(a) In a residential treatment facility licensed under chapter 246-337 WAC; and
(b) For individuals at least eighteen years of age whose primary care need is treatment for a mental health disorder, including individuals who also have intellectual or developmental disabilities; and
(c) By a clinical team.

Commented [VSE(11]: JT/SV: Craft language:
These need to be open facilities, able to provide limited egress for a portion of the population (define limited egress). Discuss de-escalation, quiet room/seclusion room piece. Can we get there, what’s the risk, Cross walk ALF, NH, how other industries have cracked this nut. What does that assessment look like for the need to be in or out of the locked place? Needs to align with the care plan. (Though patients in ALTSAs currently if they have BH behaviors are placed in AFH with lots of wraparound services.) Will reach out to the drafters of the bill to find out intention of the language. JT/SV/NT contact Rashi about limited egress.

Commented [VSE(12]: Definition of community facility – ALF & AFH, Permanent Supportive Housing, Supported Living setting, [lower level acuity RTF],

Commented [VSE(13]: Need to add a definition of this once we have more information on required staffing.
(3) The agency providing intensive behavioral health treatment services must develop a staffing model that includes:

(a) Twenty four hour supervision of individuals appropriate to the acuity of the individuals;

(b) The ability to provide services for individuals with intellectual or developmental disabilities by appropriately trained staff such as a disability mental health specialist or a person credentialed to provide applied behavioral analysis;

(c) At a minimum:
   (i) A psychiatric nurse manager; and
   (ii) Access to a mental health professional and psychiatric nurse twenty four hours a day, seven days a week; and

(d) A high staff to patient ratio.

(4) All individuals must have access to regular psychosocial rehabilitation services, delivered by appropriately credentialed staff, including:

(a) Skills training in daily living activities;

(b) Social interaction;

(c) Behavioral management;

(d) Impulse control;

(e) Training and assistance for self-management of medications; and

(f) Community integration skills, as appropriate, in accordance with the individual service plan.

(5) The agency must provide access to or referral to substance use disorder services, and other specialized services, as needed.
(6) The facility must have written policies and procedures related to limited egress that are consistent with the requirements in WAC 246-337-065.

(7) In addition to the resident rights listed in xxx, a facility providing intensive behavioral health treatment services will also ensure that residents are informed of the following rights:

(a)
Section Seven—Outpatient and Mental Health Peer Respite Services

[RCW 71.xx.xxx]

Chapter title- change:

SECTION SEVEN—OUTPATIENT AND MENTAL HEALTH PEER RESpite SERVICES