



## 2019 Legislative Session Report

The 2019 legislative session provided a more direct focus on behavioral health policy than any session in recent memory. In 2018, Governor Inslee made clear his intent to move most civil commitments into smaller community-based settings and turn Western State Hospital into a Forensic Center of Excellence, focusing on the needs of patients involved in the criminal justice system. In addition, the *Trueblood* case required the legislature to take action to address and prevent the warehousing of people living with mental illness in our state's jails. Working with the governor's office, legislators, and other advocacy organizations, NAMI Washington helped to enact key pieces of legislation to move our mental health system toward one of prevention and early intervention, and away from the historical emphasis on acute crisis hospital care.

### 2019 NAMI Washington Priority Bills

**Youth Mental Health, SB5903 (passed the legislature):** Requires coordination and training on behavioral health for school district staff, requires the state to provide infant and early childhood mental health consultations to parents, and creates the development of a statewide plan to develop school-based supports for students.

<https://app.leg.wa.gov/billsummary?BillNumber=5903&Year=2019&Initiative=false>

**Trueblood bill, SB5444 (passed the legislature):** creates and expands diversion programs to give law enforcement the tools necessary to keep people living with mental illness out of the criminal justice system when possible; establishes a forensic navigator (FN) position to help people who need competency evaluations find their way through the process; improves access to outpatient treatment in the community, and, in some cases of minor crimes, cases could be dismissed and people would be referred to services instead of the criminal justice system.

<https://app.leg.wa.gov/billsummary?BillNumber=5903&Year=2019&Initiative=false>

**Increase HEN Funding:** The HEN program provides essential items and rental assistance for people who are unable to work for 90 days because of a disability, with more than 75% of program participants having a diagnosed mental illness. **\$14,500,000** was allocated to expand the HEN program.

**Fully Fund the Behavioral Healthcare System:** Invest in community-based placements for patients in long-term care and new intensive behavioral health facilities, investments in peer support services, and the provision of funding for the forensic navigators and the *Trueblood* settlement. The legislature dedicated **\$455,681,000** to behavioral health programs, which is a more substantial investment than in years past and starts us down a path toward improving our neglected system.

## **2019 NAMI Washington Interim Work Priorities**

During the 2019 interim, NAMI Washington will continue to build on our successes from the past legislative session.

### **Student Mental Health**

During the 2018 interim, NAMI Washington worked with a group of stakeholders to develop bill language that would require public high schools to teach mental health curriculum and skills to aid in early intervention efforts. This language was ultimately stripped from a larger student mental health bill during the 2019 session. During the 2019 interim, we will revisit this stakeholder group and brainstorm alternative paths to increasing mental health education in our schools, which is such a critical time for our young people to learn how to address symptoms of a crisis.

### **Behavioral Health Ombuds Program**

We are going to begin the work to develop a Behavioral Health Ombuds program to ensure that Washingtonians who utilize behavioral health services receive the care and protections they are entitled to. House Health Care Chair Representative Eileen Cody is interested in working with stakeholders to make this policy a reality, as is the Long-Term Care Ombuds office.

### **Mental health Advanced Directives**

Washington state allows mental health advanced directives by law but those are not enforceable. This leaves people that took the time to create a MHAD to provide a loved one with decision making authority without the protection that document is intended to provide. We will work with stakeholders to determine appropriate next policy steps to improve MHADs.

### **Trueblood General Advisory Committee**

DSHS is forming a *Trueblood* General Advisory Committee as a part of the governance structure of the settlement agreement. DSHS reached out to NAMI Washington about being on the GAC to provide input from the consumer perspective.

## **Other 2019 NAMI-Supported Enacted Legislation**

**HB1049:** Requires confidentiality for a whistleblower on a Healthcare Facility and allows for the whistleblower to initiate action in court should retaliation occur.

<https://app.leg.wa.gov/billsummary?BillNumber=1049&Initiative=false&Year=2019>

**HB1064:** Adopts annual de-escalation training and curriculum for law enforcement and makes de-escalation and less lethal options required as a part of law enforcement decision making.

<https://app.leg.wa.gov/billsummary?BillNumber=1064&Initiative=false&Year=2019>

**HB1065:** Requires health carriers to cover emergency services and to screen and stabilize the emergency condition; the carrier cannot require pre-authorization for emergency services. Mental health conditions and emotional distress are explicitly included in the definition of Emergency Medical Condition.

<https://app.leg.wa.gov/billsummary?BillNumber=1065&Initiative=false&Year=2019>

**HB1087:** Creates an insurance benefit for long-term care for Washington employees.

<https://app.leg.wa.gov/billsummary?BillNumber=1087&Initiative=false&Year=2019>

**HB1099:** Requires a health carrier to post information to its website about its compliance with network adequacy standards for each of the carrier's health plans.

<https://app.leg.wa.gov/billsummary?BillNumber=1099&Initiative=false&Year=2019>

**HB1199:** Requires that the Healthcare Authority does not consider an individual's income or base restrictions on income or age when creating cost-sharing requirements for the buy-in program for medical assistance for individuals employed with a disability.

<https://app.leg.wa.gov/billsummary?BillNumber=1199&Initiative=false&Year=2019>

**HB1219:** Allows cities and counties to levy REET on the sale of real property; revenue can be used to develop rehab facilities that alleviate homelessness and for affordable housing.

<https://app.leg.wa.gov/billsummary?BillNumber=1219&Initiative=false&Year=2019>

**HB1394:** Requires that a geriatric behavioral health worker have a bachelor's or master's degree in social work, behavioral health, or has had specialized training in mental health and the care of geriatric populations with three years of experience working in geriatric behavioral health.

<https://app.leg.wa.gov/billsummary?BillNumber=1394&Initiative=false&Year=2019>

**HB1355:** Establishes the qualifications and student to provider ratios for counselors working in community and technical colleges.

<https://app.leg.wa.gov/billsummary?BillNumber=1355&Initiative=false&Year=2019>

**HB1394:** Creates an Intensive Behavioral Health Facility (IBHF), a community-based residential treatment facility for individuals with behavioral health conditions who require care that cannot be met in other settings. This bill also creates Mental Health Drop-In Centers to serve individuals with voluntary, short-term non-crisis services. Finally, the bill aims to increase capacity in hospitals for clients in need of involuntary treatment.

<https://app.leg.wa.gov/billsummary?BillNumber=1394&Initiative=false&Year=2019>

**HB1497:** Defines foundational public health services and calls for restructured funding so that the public health system can support the foundational services.

<https://app.leg.wa.gov/billsummary?BillNumber=1497&Initiative=false&Year=2019>

**HB1528:** Establishes a recovery residence program for individuals recovering from a Substance Use Disorder along with rental vouchers for use at the residence. The bill establishes reimbursement guidelines and operational grants for recovery residences.

<https://app.leg.wa.gov/billsummary?BillNumber=1528&Initiative=false&Year=2019>

**HB1561:** Requires the Office of the Family and Children's Ombuds to establish a board that will add mandatory inclusion of one current or former foster youth, one individual with experience with the juvenile justice system, one physician with pediatric experience and at least five board members that reside east of the cascades.

<https://app.leg.wa.gov/billsummary?BillNumber=1561&Initiative=false&Year=2019>

**HB1593:** Creates a behavioral health innovation and integration campus, with inpatient and outpatient levels of care while training the behavioral health provider workforce at the University of Washington as a way to increase behavioral healthcare service access in the state.

<https://app.leg.wa.gov/billsummary?BillNumber=1593&Initiative=false&Year=2019>

**HB1603:** Requires DSHS to submit a study of living costs and recommendations for standards of need for TANF, adjust the base costs used in the study with adjustments for inflation every four years, every ten years submit a redesigned study with appropriate adjustments. This bill also prohibits the requirement for TANF applicants to attend a WorkFirst orientation in order to receive benefits.

<https://app.leg.wa.gov/billsummary?BillNumber=1603&Initiative=false&Year=2019>

**HB1668:** Creates the Washington Health Corps, providing loan repayment and conditional scholarships, to support healthcare professionals who provide services in underserved communities.

<https://app.leg.wa.gov/billsummary?BillNumber=1668&Initiative=false&Year=2019>

**HB1706:** Eliminates the permit for employers to pay less than minimum wage to an individual who has a physical or mental health condition.

<https://app.leg.wa.gov/billsummary?BillNumber=1706&Initiative=false&Year=2019>

**HB1768:** Creates an add-on credential for clinicians to treat individuals with co-occurring behavioral health conditions. By 2022, the department shall submit a preliminary report of its findings on improving the qualifications and practice of this enhancement with a final report due by December, 2024.

<https://app.leg.wa.gov/billsummary?BillNumber=1768&Initiative=false&Year=2019>

**HB1870:** Codifies some provisions included in the patient protection and affordable care act into Washington state law.

<https://app.leg.wa.gov/billsummary?BillNumber=1870&Initiative=false&Year=2019>

**HB1874:** Authorizes mental health professionals to provide certain treatment information to parents of an adolescent involved in the adolescent's treatment when such information sharing will not be detrimental to the adolescent. The bill also authorizes a parent, the definition of which is expanded, to request medically necessary outpatient treatment for their adolescent.

<https://app.leg.wa.gov/billsummary?BillNumber=1874&Initiative=false&Year=2019>

**HB1879:** Establishes clinical review criteria for prescription drug utilization management to be evidence based. The bill requires that a health carrier or review organization provide the provider and patient with a convenient process to request an exception in cases that restrict prescription drug coverage through a prescription drug utilization management protocol along with the establishment of requirements for step therapy exception requests.

<https://app.leg.wa.gov/billsummary?BillNumber=1879&Initiative=false&Year=2019>

**HB1907:** Allows for Healthcare Authority to provide technical assistance staff at approved SUD programs subject to amounts appropriated. The bill would also require the Medicaid payment for approved SUD programs to be at a rate no less than for services from Evaluation and Treatment facilities in the same region.

<https://app.leg.wa.gov/billsummary?BillNumber=1907&Initiative=false&Year=2019>

**HB1931:** Requires a safety plan to protect employees from violence in the workplace to be developed and implemented every three years at a healthcare facility.

<https://app.leg.wa.gov/billsummary?BillNumber=1931&Initiative=false&Year=2019>

**SB5027:** Removes stigmatizing language and replaces it with behavior-based language in Extreme Risk Protection Orders.

<https://app.leg.wa.gov/billsummary?BillNumber=5027&Initiative=false&Year=2019>

**SB5054:** Institutes a reciprocity program for licensed social workers, mental health counselors, chemical dependency professional or marriage family therapist in good standing from another state or US territory with an equal or greater scope of practice as required in WA.

<https://app.leg.wa.gov/billsummary?BillNumber=5054&Initiative=false&Year=2019>

**SB5082:** Creates a committee to develop and implement trauma-informed, culturally and developmentally appropriate social-emotional learning framework.

<https://app.leg.wa.gov/billsummary?BillNumber=5082&Initiative=false&Year=2019>

**SB5324:** Awards state grants to local housing and community-based organizations address the opportunity gap and structural inequities that impact students experiencing homelessness.

<https://app.leg.wa.gov/billsummary?BillNumber=5324&Initiative=false&Year=2019>

**SB5356:** Establishes the Washington state LGBTQ commission responsible for interfacing with the LGBTQ community and advocating for LGBTQ equity in all aspects of government.

<https://app.leg.wa.gov/billsummary?BillNumber=5356&Initiative=false&Year=2019>

**SB5380:** Declares opioid use disorder to be a public health crisis. Bill would require state agencies to increase access to evidence-based opioid treatment; coordinate services between systems and strengthen partnerships between communities and opioid treatment providers; expand state prescription monitoring program; and support school and community-based prevention programs.

<https://app.leg.wa.gov/billsummary?BillNumber=5380&Initiative=false&Year=2019>

**SB5432:** Clarifies the coordinated services and responsibilities across DSHS, HCA, DCYF, and the Department of Health. The bill changes BHOs to Behavioral Health Administrative Services Organization (BHASO) and clarifies that this entity is contracted by the HCA to provide behavioral health services to individuals living in the regional area.

<https://app.leg.wa.gov/billsummary?BillNumber=5432&Initiative=false&Year=2019>

**SB5526:** Creates a workgroup to establish three health plans for the bronze, silver, and gold category with the goal of lowering costs and improving quality of care outcomes for consumers. A scale for subsidies for premiums for people making 500% or less of Federal Poverty Line must be created.

<https://app.leg.wa.gov/billsummary?BillNumber=5526&Initiative=false&Year=2019>

**SB5889:** Requires health carriers to prevent the disclosure of sensitive healthcare services through confidential insurance communications to the patient and allows for the patient to request confidential insurance communication regardless of whether the services are sensitive or not.

<https://app.leg.wa.gov/billsummary?BillNumber=5889&Initiative=false&Year=2019>

**SB5997:** Narrows nonresident tax exemption and eliminate travel agent and tour operations preferential tax treatment in order to increase state revenue that could be used for essential public services.

<https://app.leg.wa.gov/billsummary?BillNumber=5997&Initiative=false&Year=2019>

**SB5998:** Creates a graduated excise tax on real estate. The majority of the revenue generated by this tax would go into the general fund.

<https://app.leg.wa.gov/billsummary?BillNumber=5998&Initiative=false&Year=2019>

## NAMI-Opposed/Neutral Legislation Enacted

**HB1175 (Neutral):** Expands the classes of people, listed by priority, who can make a healthcare decision for someone who is not competent to consent to healthcare.

<https://app.leg.wa.gov/billsummary?BillNumber=1175&Initiative=false&Year=2019>

**HB1356 (Neutral):** Changes the terminology of officer or firefighter to first responder or jail staff person in regard to privileged communication with peer support group counselors.

<https://app.leg.wa.gov/billsummary?BillNumber=1356&Year=2019&Initiative=false>

**HB5181 (Neutral):** Requires that an individual who has undergone the initial 72- hour evaluation in the ITA process on the grounds of likelihood of serious harm, may not have access to a firearm for six months after the initial detention.

<https://app.leg.wa.gov/billsummary?BillNumber=5181&Initiative=false&Year=2019>

**HB5205 (Neutral):** Requires that in cases of a non-felony crime where charges are stayed or dismissed, an individual who is found not competent to stand trial and has a history of one or more violent acts cannot possess a firearm until the court restores that right.

<https://app.leg.wa.gov/billsummary?BillNumber=5205&Initiative=false&Year=2019>

## 2019 Supplemental Operating Budget Summary

### Department of Commerce

- **\$14,500,000** is allocated for the Housing and Essential Needs program to provide rental assistance and essential items to individuals who are unable to work due to a disability.
- **\$1,600,000** is provided for a grant for a criminal justice diversion center pilot program in Spokane county.

### Office of the Insurance Commissioner

- **\$84,000** for form development and rulemaking activity related to confidential communications request pursuant to SB5889 (Insurance Communications Confidentiality).

### Health Care Authority

- **\$11,600,000** for *Trueblood* Misdemeanor Diversion to serve individuals in crisis triage, outpatient restoration, and other programming used to divert individual with a behavioral health condition from involvement in the criminal justice system.
- **\$1,896,000** for four outpatient restoration teams in the phase I regions identified in the *Trueblood et. A. v. DSHS* settlement.

- **\$6,416,000** to provide temporary housing support and vouchers for individuals referred for outpatient competency restoration per the *Trueblood* settlement.
- **\$10,223,000** for enhanced crisis services as identified in the *Trueblood* settlement.
- **\$4,742,000** for Intensive Case Managers in phase I regions of the *Trueblood* settlement.
- **\$404,000** is provided to fund development of the peer support workforce per the *Trueblood* settlement.
- **\$2,000,000** for one-time funding pursuant to HB1767 (Arrest and Jail Alternatives) that will support local initiatives to engage individuals who have a Behavioral Health need with therapeutic interventions.
- **\$3,080,000** to implement the State Action Alliance for Suicide Prevention recommendations for suicide prevention services throughout the state.
- **\$2,200,000** to increase the number of SUD Peer Support specialists.
- **\$2,160,000** for implementation of evidence-based programs that provide early identification and intervention for individuals experiencing psychosis, pursuant to SB5903 (Children's Mental Health).
- **\$548,000** to implement online training and conduct an annual survey to measure policy impacts of HB1874 (Adolescent Behavioral Health).
- **\$4,144,000** to create and operate a Tele-Behavioral Health Center.
- **\$45,111,000** to provide federal grants that address Behavioral Health.
- **\$15,322,000** to increase the number of Clubhouses. The HCA must report findings of allowing MCOs to provide clubhouses instead of other services by December 2019.
- **\$6,066,000** for the new facility type, Intensive Behavioral Health Treatment Facilities, for individuals discharging from psychiatric hospitals and in need of a higher level of care that alternative facilities cannot accommodate.
- **\$88,956,000** for 71 new long-term inpatient beds in FY 2020 and to increase to 119 new inpatient beds by FY2021 with assumed growth to 202 by FY2023 in community hospitals and evaluation and treatment center settings.
- **\$1,507,000** for five mental health peer respite centers for crisis diversion in addition to Mental Health Drop-In Center pilot program pursuant to HB1394.
- **\$8,754,000** for Discharge Wraparound Services for adults discharging or being diverted from state psychiatric hospitals.
- **\$1,000,000** for transitional housing vouchers for individuals with a SUD.
- **\$450,000** provided for the continuation of the Assisted Outpatient Treatment pilot project in Pierce County.

#### **WA State Criminal Justice Training Commission**

- **\$400,000** one-time funding pursuant to HB1767 (Arrest and Jail Alternatives) that will support local initiatives to engage individuals who have a Behavioral Health need with therapeutic interventions. Funding for the grants for these services is appropriated within the Community Mental Health Diversion of the HCA.
- **\$899,000** for Trueblood CIT training per the *Trueblood* settlement.
- **\$4,000,000** for Mental Health Field Response program administered by the WA Association of Sheriffs and Police Chiefs, who must submit an outcome measures for all grants awarded.

#### **Department of Health**

- **\$269,000** for the development of Intensive Behavioral Health Treatment Facilities and for the Mental Health Drop-In Center pilot program pursuant to HB1394.
- **\$420,000** provided for a work group to develop policy and practice recommendations to increase access to training for the behavioral health workforce.

#### **Department of Veteran's Affairs**

- **\$1,458,000** for increased transitional housing and intensive case management services to eligible veterans.
- **\$282,000** one-time funding for a statewide plan for suicide prevention among service members, veterans, and their families.

#### **Department of Children, Youth and Families**

- **\$1,546,000** provided for six early childhood mental health consultants for DCYF pursuant to SB5903.

#### **Department of Social and Health Services**

- **\$2,296,000** for forensic navigators as established in the *Trueblood* settlement.
- **\$18,045,000** provided for community placements that prioritize patients being discharged from state psychiatric hospitals.

#### **Joint Legislative Audit and Review Committee**

- **\$266,000** one-time funding to conduct a survey to study the use of first responder mapping information systems in school districts pursuant to HB1216 (Student Safety and Well-Being).

#### **Public Schools**

- **\$2,536,000** for the implementation of HB1216 (Student Safety and Well-Being), which requires maintenance of the state school safety center and a student safety and well-being committee among other provisions.

#### **Student Achievement Council**

- **\$2,000,000** provided for behavioral health professional conditional scholarships

#### **University of Washington**

- **\$213,000** is provided for an additional child and adolescent psychiatric resident beginning in 2020 with an additional position projected to be added in 2023 pursuant to SB5903.
- **\$600,000** for new mental health psychiatric residency positions at the UW.

#### **Washington State University**

- **\$264,000** is provided for an additional child and adolescent psychiatric resident beginning in 2021 pursuant to SB5903.

#### **Community and Technical College System**

- **\$300,000** to create a grant program at Highline College for internationally trained individuals seeking employment in the behavioral health field in Washington state

**Workforce Training and Education Coordinating Board**

- **\$480,000** provided for Health Workforce operations to address workforce shortages in behavioral health disciplines.

**Special Appropriations to the Governor**

- **\$16,540,000** to prepare for implementation of the Long-Term Services and Supports program pursuant to HB 1087; funds are intended to be repaid with interest.

**2019 Supplemental Budget**

- **\$15,247,000** for behavioral health grants to address substance use disorder.
- **\$258,000** to increase the temporary psychiatric per diem rate in hospitals that meet the criteria of HB 1534 (certain rural hospitals).

**Capital Budget**

- **\$33,250,000** for construction of the UW Behavioral Health Teaching Facility pursuant to HB1593.
- **\$5,000,000** for community behavioral health acute and residential beds.