



## 2023 Legislative Session Report

### Contents of this Report:

2023 Legislative Session Context.....	2
Summary of NAMI Washington Advocacy Actions.....	3
NAMI Washington 2023 Legislative Priorities That Passed.....	3
NAMI Washington 2023 Legislative Priorities That Did Not Pass.....	4
NAMI Washington Supported Legislation That Passed.....	4
FY 2023-2025 Biennial Operating Budget Wins.....	6
NAMI Washington Supported Legislation That Did Not Pass.....	6
How Can You Get Involved?.....	8

## **NAMI WA 2023 Legislative Session Report**

The 2023 Legislative Session proved to be an excellent year for behavioral health with the Legislature introducing and passing a number of meaningful behavioral health policies and making significant investments in crisis services, in-patient resources and behavioral health workforce in their final budget.

Out of the 85 bills NAMI supported, 30 passed the legislature and were signed into law. NAMI Washington took a variety of actions towards our supported bills including signing in, providing testimonies, drafting and signing onto letters and working in coalition with our partners.

Four out of the five NAMI Washington priority bills passed. NAMI Washington sent out action alerts, strategically timing them to correspond with key moments such as right before a bill was to be voted on in committee. Collectively, almost 2000 actions were taken by community members calling on their legislators to support NAMI Washington's legislative priorities.

### **2023 Legislative Session Context**

The 2023 session marked the beginning of the 2023-24 biennia, bringing us a longer 105-day session and the passage of the 2023-25 Biennial Operating Budget. This was the first in-person session since the COVID pandemic. After two years of virtual sessions, there were some new challenges associated with transitioning back to in-person in Olympia. For starters, there were tougher security measures implemented to access legislative offices which made it more challenging to meet with legislators. Before the pandemic, the general public was allowed to access the legislative office floors of the buildings, giving advocates the opportunity to walk up to individual offices to ask for appointments or catch legislators as they walked to their committee meetings. For this session, advocates needed to have scheduled appointments with legislators or staff in order to have access to most of the floors. There were also a good number of legislators and staff who had never experienced a fully in-person legislative session so there was a bit of a learning curve to accommodate for.

There were a few positive changes implemented as a result of the previous virtual sessions. The Legislature decided to maintain the virtual option for committee hearing testimonies and meetings with legislators so it made access more equitable for anyone with mobility or transportation issues and for constituents who lived far away from the Capital. Virtual options also allow for full-time workers to engage with the legislature without having to take hours off of work to travel to Olympia.

### **Summary of NAMI Washington's Advocacy Actions**

- There were a total of 11 action alerts that went out with calls to action for constituents to engage with their legislators. While there were some action alerts that went out to community members across the state, most action alerts were targeted towards certain legislators or legislative committees' members and only sent to community members in their districts.
- Legislative updates were posted on the NAMI Washington bi-weekly e-news and calls to action were posted on NAMI Washington's social media pages in addition to the action alert emails.
- NAMI Lobby Day 2023 was a success with 138 people registering to attend. This was the first NAMI Lobby Day back in person since before the pandemic but despite the uncertainties of a post-pandemic session, we had an excellent attendance of people coming to Olympia to meet with their legislators.

- We offered 10 SMARTS classes (Module 1,2,3 and 6) in the two weeks before Lobby Day to help prepare people to meet with their legislators and two special SMARTS classes specifically for youth. This was the first time we offered SMARTS specifically for youth and look forward to more in the future. These SMARTS training was in addition to trainings being offered by NAMI SMARTS leaders at their local affiliates.
- Letters were drafted and sent to the House and Senate budget negotiators urging them to prioritize behavioral health in the final budget.
- Letters were drafted and sent to the Governor asking him to sign our priority bills into law.

### **NAMI Washington 2023 PASSED Legislative Priorities**

**HB 1724:** Increasing the Behavioral Health Workforce- makes it easier for people to enter the behavioral health workforce by offering targeted support to new behavioral health professionals such as making changes to licensing requirements and creating a stiped program to off-set out of pocket costs for supervised experience requirements.

**SB 5300:** Continuity of Care for Behavioral Health Prescription Drugs- Prohibits commercial insurance companies and state plans such as Medicaid, PEBB/SEBB from changing their formulary in the middle of a plan year and requiring patients to change their medication. Prohibits plans from increasing cost-share obligations for prescription drugs for serious mental illness.

**HB 1134:** Implementing the 988 Crisis Response System- Lays the groundwork for 988 rapid response crisis teams, provides liability protection for 988 call center workers, increases public awareness of 988 crisis hotline, and develops recommendations for the creation of crisis workforce and resilience training

**SB 5440:** Providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders- requires courts to dismiss nonfelony charges and refer defendant to diversion services. Requires courts to determine if there is genuine doubt as to competency. Requires jails to allow clinical intervention specialists to provide direct services to defendants. Prohibits jails from substituting or discontinuing an individual's prescription to treat a serious mental illness.

### **NAMI Washington 2023 UNSUCCESSFUL Legislative Priorities**

SB 5130: Concerning Assisted Outpatient Treatment- reduces burden of proof for AOT, allows behavioral health case manager to file supporting declaration for an AOT petition, reduces requirements for supporting declarations and updates the process for revocation for revocation of less restrictive alternative treatment order for children to match those of adults.

HB 1041: Prescribing Psychologists- creates a new credential for a prescribing psychologist. Licensed psychologists must complete specialized training and earn a post-doctoral Masters in clinical psychopharmacology and complete 500 hours of supervised practice in order to become certified to prescribe psychotropic medication.

### **NAMI Washington PASSED Supported Legislation**

**SB 5134:** Concerning reentry services and reports- persons releasing or discharging from DOC custody must be supplied with suitable and presentable clothing, in the sum of no less than \$40 for subsistence.

**SB 5555:** Certified peer specialists are established as new health professions that may engage in the practice of peer support services and be billable to 3<sup>rd</sup> party payers.

**SB 5120:** Establishes 23-Hour Crisis Relief Centers which are open 24 hours a day, seven days a week which offers behavioral health care to adults for no more than 23 hours and 59 minutes at a time and accepts all behavioral health walk-ins and ambulance drop-offs.

**HB 1470:** adopts rules regarding operational conditions relating to sanitary, hygienic and safe conditions for private detention facilities. Creates a private right of action for violations and civil penalties for violations. Makes private detention centers subject to Public Records Act.

**HB 1580:** Creates a system to support children in crisis- requires the Governor to maintain a Children and Youth Multisystem Care Coordinator to serve as a state lead on addressing complex cases of children in crisis.

**HB 1745:** Improves diversity in clinical trials

**HB 1357:** Modernizing the prior authorization process- establishes prior authorization standards for private insurance and state health plans including timing of review, electronic authorization options and communication requirements.

**SB 5454:** Concerning industrial insurance coverage for posttraumatic stress disorders affecting registered nurses.

**SB 5599:** provides that licensed shelters for runaway or homeless youth and host homes do not need to contact a youth's parents if the youth is seeking gender affirming treatment or reproductive health care. Allows DCYF to offer to make referrals on minor's behalf for behavioral healthcare services.

**SB 5189:** establishes behavioral health support specialists- a new type of behavioral health professional certification available to individuals with a bachelor's degree and requires the HCA to ensure services by behavioral health support specialist are covered by Medicaid.

**HB 1207:** requires distribution of policies and a complaint procedure related to harassment, intimidation, bullying and discrimination in public schools. Requires school districts to designate primary contact regarding compliance with state anti-discrimination laws. "Emergency expulsion" is replaced with the term "emergency removal".

**SB 5257:** ensures elementary school students receive sufficient daily recess. Public schools must provide a minimum of 30 minutes of daily recess for elementary school students. Recess should be held outside, if possible and for indoor recess, public schools should use appropriate spaces that promote physical activity.

**HB 1515:** An act relating to contracting and procurement requirements for behavioral health services in medical assistance programs.

**HB 1028:** An act relating to supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system

**HB 1469:** protects access to reproductive healthcare services and gender-affirming treatment in Washington state.

**HB 1197:** Defining attending provider and clarifying other provider functions for workers compensation claims, and adding psychologists as attending providers for mental health only claims.

**SB 5236:** improves hospital staffing standards by making numerous changes to nurse staffing committees and staffing plan requirements and amending meal and rest break provisions for health care employees.

**SB 5228:** provides occupational services for individuals with behavioral health disorders.

**SB 5415:** Concerning public defense services for individuals committed as not guilty by reason of insanity.

**HB 1501:** Authorizes additional counseling services for immediate family members of homicide victims.

**SB 5604:** Concerning county sales and use tax for mental health and housing. Chemical dependency and mental health treatment service tax revenues collected by counties may be used for modifications to existing mental health and chemical dependency treatment facilities. Revenue from the affordable and supportive housing sales tax may be used for rental assistance.

**SB 5338:** directs the Office of Insurance Commissioner to review the state's essential health benefits and determine whether to request federal approval to update benefits.

**SB 5036:** extends the timeframe for the use of telemedicine to be substituted for in-person appointments in regards to reimbursement to the healthcare provider.

**SB 5121:** extends the expiration date of the joint select committee on healthcare oversight from December 31<sup>st</sup>, 2022 to December 31<sup>st</sup>, 2026.

**HB 1004:** Installing signs on or near bridges to provide information to deter jumping

**HB 1069:** An act related to the mental health counselor compact- enacts the Counseling Compact which allows a professional counselor residing in the counselor's home state to practice in a remote state.

### **FY 2023-2025 Biennial Operating Budget Wins**

The Washington State Legislature made a historic \$1.1 Billion investment in behavioral health in their 2023-25 Operating Budget. NAMI Washington budget priorities and supported budget items included in the final budget:

- \$271 million towards a 15% behavioral health Medicaid rate increase
- \$218 million for implementation of Trueblood settlement including funding for forensic navigators, outpatient competency restoration, housing, crisis, and diversion services
- \$500K towards the Joint Legislative and Executive Committee on Behavioral Health
- \$123 million to increase in-patient bed capacity
- \$69 million towards the 988 Crisis Response System

### **NAMI Washington UNSUCCESSFUL Supported Legislation**

- **HB 1541/SB 5616:** Establishing the Nothing About Us Without Us Act- increases access and representation in policy-making processes for people with direct lived experience.
- **SB 5019:** Concerning Classified Staff Providing Student and Staff Safety in public educational institutions
- **HB 1479:** Concerning restraint or isolation of students in public schools and educational programs
- **HB 1508/SB 5519:** Improving consumer affordability through the health care cost transparency board
- **HB 1737:** Enacting the Reconciliation Act- changes name of Community Reinvestment account to Community Reconciliation Account and expands allowed expenditures to include agricultural and economic support and programs addressing root cause of violence in communities. The Community Reinvestment Account is an appropriated account for economic programs addressing wealth disparities, legal assistance and re-entry services for marginalized communities.
- **SB 5690:** An act relating to conditional release transition teams
- **SB 5588:** Concerning the mental health sentencing alternative
- **SB 5213/HB 1253:** An act relating to pharmacy benefit managers (PBM's)- removes pharmacy benefit managers from the definition of health care benefit managers and separately regulates pharmacy benefit managers. Imposes certain requirement on pharmacy benefit manager business practices.
- **SB 5393:** Addressing affordability of health care services through health care provider contracting
- **HB 1025:** Creates a private right of action for harm from violations of the state Constitution or state law by peace officer. Establishes and limits vicarious and independent liability for peace officers. Establishes and limits defenses for peace officers and their employees.
- **SB 5095:** Creating the "Parks Rx" health and wellness pilot program
- **HB 1439:** Creates a Washington State Children Exposed to Violence Task Force and expands the scope of Children's Advocacy Centers to include serving children who have been exposed to violence.
- **HB 1242:** Creates a behavioral health work group to study the root cause of rising behavioral health issues in Washington communities.
- **SB 5506/HB 1654:** Establishes an enhanced behavioral support homes model.
- **SB 5513:** An act relating to mental health counseling at community and technical colleges- mental health counseling and services pilot program is extended to July 1<sup>st</sup>, 2026. Use of selection committee no longer required to select colleges to participate in program and geographical requirements are eliminated. Creates a new telehealth pilot program for colleges not participating in mental health counseling and services pilot program.
- **SB 5710:** Provides access to behavioral health services to youth in rural and underserved areas.
- **HB 1022:** Provides additional support and services to veterans' assistance and for persons with developmental disabilities or mental health needs.
- **SB 5660:** Establishes a mental health advance directive effective implementation work group, creating a new section and providing an expiration date.
- **HB 1713:** Increasing access to health care services in rural and underserved areas of the state.

- **HB 1269:** Amends the prescription drug affordability board to remove the limits on types of drugs eligible for review. Makes changes to prescription drug threshold prices and percentage increases on prices that trigger eligibility for review. Advances date the board is authorized to begin establishing upper payment limits by one year.
- **HB 1661:** Establishes a pilot project for mobile mental health crisis intervention.
- **SB 5559:** Prohibits isolation and mechanical or chemical restraint of students by school staff, including phasing out isolation rooms.
- **SB 5625:** Creates an ombuds for retiree benefits at the Department of Retirement Systems and modifies various DRS practices.
- **SB 5445/HB 1465:** An act relating to cost-sharing fairness to help mitigate consumer out-of-pocket cost for prescription drugs
- **HB 1087/SB 5135:** An act relating to solitary confinement- defines “solitary confinement” as 20 hours a day where incarcerated individuals are alone. Restricts use of solitary confinement to emergency purposes, medical isolation and voluntary request. Specifies living and personal hygiene conditions for solitary confinement.
- **SJR 8202/HJR 4201:** Amends the State Constitution to address reproductive freedom which is mental health related due to the effects of not having bodily autonomy.
- **SB 5310:** Defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims.
- **HB 1662:** Concerning payments for certain sole community hospitals under medical assistance programs to help increase access to healthcare services in rural communities
- **HB 1021/SB 5354:** An act relating to aligning social worker licensing requirements with national standards and requirements for other mental health professionals.
- **SB 5115:** Modifies the definition of "mental abuse" to include an action by an agent under power of attorney to unreasonably confine a vulnerable adult to a care facility.
- **HB 1495/SB 5373:** Requiring equal reimbursement for advanced registered nurse practitioners, physician assistants, and physicians.
- **SB 5422:** Providing access to behavioral health services to children using licensed clinicians co-located within the school.
- **SB 5416/HB 1409:** Compelling the state building code council to expand residential building code classifications to reduce costs associated with building residential treatment facilities.
- **SB 5335:** Developing the Washington health trust to ensure all Washington residents can enroll in non-profit health insurance coverage.

### **How Can You Get Involved?**

- Sign up to receive NAMI Washington’s policy and advocacy updates and information
- Check out bill tracking here!
- Consider taking federal action with NAMI National here

#### **Contact:**

Anna Nepomuceno, Director of Public Policy and Advocacy- [anepomuceno@namiwa.org](mailto:anepomuceno@namiwa.org)