

**Behavioral Health Administration – Mental Health  
030 - M2 - CA - ALTERNATIVE RESTORATION TREATMENT**

Agency Submittal: 11-2017-19-YR Agency Req

Budget Period: 2017-19

**SUMMARY**

The *Trueblood* lawsuit requires offenders needing an Inpatient mental health evaluation to be completed within seven days of the signing of the court order, and in-jail evaluations to be completed within fourteen days. If the defendant is determined to be incompetent he/she must be admitted to restoration treatment within seven days to avoid declining in jails. The Office of Forensic Mental Health Services (OFMHS) was established to ensure that these services occur within the timeframe mandated by the court. The OFMHS requests \$9,582,000 GF-State and 9.0 FTE to maintain the operation of two alternate sites for competency restoration services. Additional funding is needed to support the two community sites, increased court monitoring fees and staffing, infrastructure to comply with the court order, and increased follow up on ways to serve the Not Guilty by Reason of Insanity (NGRI) population outside of the state hospitals.

**PROBLEM STATEMENT**

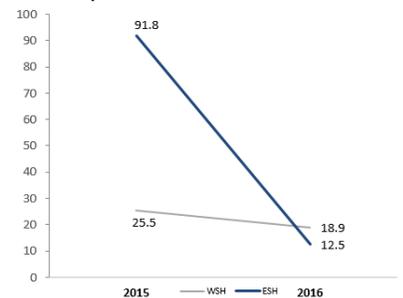
The number of adult pretrial detainees requiring competency services outpaces Washington’s current bed capacity in its two state psychiatric hospitals. As a result, many defendants are waiting in jails for competency services. The federal *Trueblood* lawsuit requires that the department admit incompetent patients to treatment within seven days. Further, the court continues to put additional reporting and other mandates on the department requiring additional resources for the OFMHS.

**PROPOSED SOLUTION**

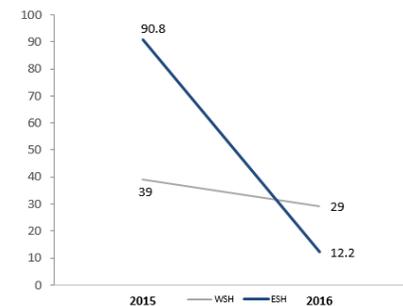
In the spring of 2016, the Behavioral Health Administration (BHA) opened two Residential Treatment Facilities (RTF) to provide competency restoration services to pretrial detainees. One 24-bed facility is located in Yakima, and the other 30-bed facility is at Maple Lane. Both facilities require continued funding to serve this population and meet wait time requirements.

Additionally, the cost of the OFMHS is increasing as new compliance mandates are issued by the court. This includes the cost to provide a robust triage program, ongoing compliance reporting and responses to the court and court appointed monitor, and increased follow up on ways to serve the Not Guilty by Reason of Insanity (NGRI) population (such as community-based NGRI treatment) that may lead to additional hospital capacity to provide Competency Services in the state hospitals.

Trend at WSH and ESH in Average Wait Days Inpatient Evaluations 2015 vs 2016



Trend at WSH and ESH in Average Wait Days Restoration Services 2015 vs 2016



DSHS BHSIA, July 2016.



**DSHS VISION**  
People are healthy • People are safe • People are supported • Taxpayer resources are guarded

**DSHS MISSION**  
To transform lives

**DSHS VALUES**  
Honesty and Integrity • Pursuit of Excellence • Open Communication • Diversity and Inclusion • Commitment to Service

### EXPECTED RESULTS

By funding this request, OFMHS will have the needed resources to meet the court mandates and will ensure that:

- The department will be in compliance with the court order.
- Individuals needing mental health evaluations receive them within mandated timelines.
- Individuals needing competency restoration services will be admitted within seven days or less.
- Individuals will receive competency restoration treatment in a less restrictive and more therapeutic environment than jail.
- Individuals will receive the care and treatment to become competent to stand trial and resume participation in the criminal justice system.
- Individuals will report improved satisfaction with treatment.
- Increased follow up on serving the NGRI population in settings other than the state hospitals, which could lead to increased hospital capacity at the state hospitals.

### STAKEHOLDER IMPACT

This proposal is expected to have the support from jails, law enforcement, attorneys, and the courts.

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Program Contact: Melissa Clarey (360) 725-1675

OTHER CONNECTIONS

Performance Outcomes/Important Connections

**1. Does this DP provide essential support to one or more of the Governor's Results Washington priorities?**

Goal 4: Healthy & Safe Communities - Healthy People - Provide access to good medical care to improve people's lives.

**2. The decision package meets the following DSHS' strategic objectives:**

1.5: Provide timely and appropriate court-ordered competency to stand trial evaluation and restoration treatment service.

**3. Identify other important connections or impacts below.** (Indicate 'Yes' or 'No'. If 'Yes' identify the connections or impacts related to the proposal.)

- a) Regional/County impacts? Yes, all counties are impacted.
- b) Other local government impacts? Yes, some tribes refer their defendants for competency evaluations.
- c) Tribal government impacts? No
- d) Other state agency impacts? No
- e) Responds to specific task force, report, mandate or executive order? Yes, this is response to the *Trueblood* lawsuit.
- f) Does request contain a compensation change or require changes to a Collective Bargaining Agreement? No
- g) Facility/workplace needs or impacts? At this time, there are no known facility impacts to the two residential treatment facilities. However, this could change based on additional mandates by the courts.
- h) Capital budget impacts? There may be capital budget impacts if the department must revert the Maple Lane facility back to its original condition.
- i) Is change required to existing statutes, rules or contracts? No
- j) Is the request related to litigation? Yes, the *Trueblood* lawsuit and Ross Settlement.
- k) Is the request related to Puget Sound recovery? No
- l) Other important connections?

**4. Please provide a detailed discussion of connections/impacts identified above.**

By providing competency restoration services in a timely manner, OFMHS assists jails with their population of mentally ill offenders. Additionally, the OFMHS will be creating a centralized state system of forensics which requires working with a variety of local and state agencies.

030 - M2 - CA - Alternative Restoration Treatment

Alternatives/Consequences/Other

**5. What alternatives were explored by the agency, and why was this alternative chosen?**

Originally, the department explored opening 45 beds at WSH but due to various issues, including staffing, the decision to open two alternative competency restoration sites was determined to be the state's best option.

**6. How has or can the agency address the issue or need within its current appropriation level?**

The department could address this need if additional beds are opened at the state hospitals and the community beds were closed; however, that is not an option at this point. The department could take additional civil beds at the state hospitals offline and use them for forensic services, but this is a risk for further legal action due to the civil waiting lists at the state hospitals.

**7. Does this decision package include funding for any IT-related costs (hardware, software, services, cloud-based services, contracts or IT staff)?**

- No
- Yes (Include an IT Addendum)

**Fiscal Detail****030 - M2 - CA - Alternative Restoration Treatment**

<b>Operating Expenditures</b>	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2021</u></b>
001-1 General Fund-State	4,818,000	4,764,000	4,764,000	4,764,000
<b>Total Cost</b>	<b>4,818,000</b>	<b>4,764,000</b>	<b>4,764,000</b>	<b>4,764,000</b>

<b>Staffing</b>	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2021</u></b>
FTEs	9.0	9.0	9.0	9.0

**Performance Measure Detail**

<b>Activity:</b>	<b>Incremental Changes</b>			
	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2021</u></b>
<b>Program: 030</b>				
C063 Mental Health Facilities Services	0	0	0	0
No measures submitted for package				

**Object Detail**

	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2021</u></b>
A Salaries and Wages	735,000	735,000	735,000	735,000
B Employee Benefits	315,000	315,000	315,000	315,000
C Professional Service Contracts	75,000	75,000	75,000	75,000
E Goods and Other Services	59,000	5,000	5,000	5,000
G Travel	3,000	3,000	3,000	3,000
N Grants, Benefits, and Client Services	3,601,000	3,601,000	3,601,000	3,601,000
P Debt Service	3,000	3,000	3,000	3,000
TZ Intra-agency Reimbursements	27,000	27,000	27,000	27,000
<b>Total Objects</b>	<b>4,818,000</b>	<b>4,764,000</b>	<b>4,764,000</b>	<b>4,764,000</b>

**DSHS Source Detail****Overall Funding**

<b>Operating Expenditures</b>	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2021</u></b>
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**Fund 001-1, General Fund-State****Sources Title**

0011 General Fund State	4,818,000	4,764,000	4,764,000	4,764,000
<b>Total for Fund 001-1</b>	<b>4,818,000</b>	<b>4,764,000</b>	<b>4,764,000</b>	<b>4,764,000</b>
<b>Total Overall Funding</b>	<b>4,818,000</b>	<b>4,764,000</b>	<b>4,764,000</b>	<b>4,764,000</b>

**2017-19 Biennial Budget**

**M2-CA-Alternative Restoration Treatment**

**Alternative Restoration Treatment**

		<b>FY17</b>	<b>FY18</b>	<b>FY19</b>
Current Funding		17,287,000	17,287,000	17,287,000

<b>Staffing</b>	<b>FTE</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>
Triage Positions	3.0	452,000	434,000	434,000	434,000
Compliance Reporting Specialist	1.0	146,000	140,000	140,000	140,000
NGRI Specialist	1.0	138,000	132,100	132,100	132,100
Administrative Support for Forensic Director	1.0	92,000	86,000	86,000	86,000
Administrative Support for Triage Positions	2.0	164,000	152,000	152,000	152,000
Competency Restoration Coordinator	1.0	150,000	144,000	144,000	144,000
<b>GF-S</b>	<b>9.0</b>	<b>1,142,000</b>	<b>1,088,000</b>	<b>1,088,000</b>	<b>1,088,000</b>
<b>TOTAL</b>	<b>9.0</b>	<b>1,142,000</b>	<b>1,088,000</b>	<b>1,088,000</b>	<b>1,088,000</b>
<b>Increased Cost for Contracts</b>					
Maple Lane & Yakima		3,101,419	3,101,419	3,101,419	3,101,419
Interpreter Services for Jail Based Evaluations		75,000	75,000	75,000	75,000
Court Monitor		500,000	500,000	500,000	500,000
<b>GF-S</b>		<b>3,676,419</b>	<b>3,676,419</b>	<b>3,676,419</b>	<b>3,676,419</b>
<b>TOTAL</b>		<b>3,676,419</b>	<b>3,676,419</b>	<b>3,676,419</b>	<b>3,676,419</b>
<b>TOTAL GF-S</b>	<b>9.0</b>	<b>4,818,000</b>	<b>4,764,000</b>	<b>4,764,000</b>	<b>4,764,000</b>
<b>TOTAL</b>		<b>4,818,000</b>	<b>4,764,000</b>	<b>4,764,000</b>	<b>4,764,000</b>
<b>Biennial TOTAL</b>			<b>9,582,000</b>		<b>9,528,000</b>