

**Behavioral Health Administration – Mental Health
030 - M2 - RQ - FUND SETTLEMENT AGMT ATTY FEES**

Agency Submittal: 2015-17 Final 2017 Sup

Budget Period: 2015-17

SUMMARY

The DSHS Behavioral Health Administration requests \$318,000 GF-State to pay attorney fees under a settlement agreement in the Ross v. Inslee lawsuit. This request does not reflect any unknown future costs.

PROBLEM STATEMENT

Ross v. Inslee – Disability Rights Washington filed this lawsuit challenging two laws passed in 2010 which placed significant restrictions on the movement of “not guilty by reason of insanity” patients and criminal defendants undergoing competency evaluation or restoration at the state hospitals. The parties entered into a settlement agreement involving some changes to hospital policies and practices and payment of the plaintiffs’ attorney fees. DSHS is currently obligated to pay \$318,000 in attorney fees already incurred. This request does not account for future costs of settlement, including additional attorney fees.

PROPOSED SOLUTION

Provide DSHS the funding to pay the plaintiffs’ attorney fees.

EXPECTED RESULTS

Fulfillment of the settlement agreement.

STAKEHOLDER IMPACT

None

Agency Contact: Sara Corbin, (360) 902-8194

Program Contact: Melissa Clarey, (360) 725-1675



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

OTHER CONNECTIONS

Performance Outcomes/Important Connections

1. **Does this DP provide essential support to one or more of the Governor's Results Washington priorities?**
Funding will fulfill the requirements of the settlement agreement.
2. **The decision package meets the following DSHS' strategic objectives:**
Funding will fulfill the requirements of the settlement agreement.
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? No
 - b) Other local government impacts? No
 - c) Tribal government impacts? No
 - d) Other state agency impacts? No
 - e) Responds to specific task force, report, mandate or executive order? No
 - f) Does request contain a compensation change or require changes to a Collective Bargaining Agreement? No
 - g) Facility/workplace needs or impacts? No
 - h) Capital budget impacts? No
 - i) Is change required to existing statutes, rules, or contracts? Yes
 - j) Is the request related to litigation? Yes
 - k) Is the request related to Puget Sound recovery? No
 - l) Other important connections? No
4. **Please provide a detailed discussion of connections/impacts identified above.**
 - i)The hospitals will need to adopt and implement policies as specified in the settlement agreement.
 - j)Ross v. Inslee

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Alternatives/Consequences/Other

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

These costs cannot be funded within the current appropriation.

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

These costs cannot be funded within the current appropriation.

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

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Operating Expenditures	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
001-1 General Fund-State	0	318,000	0	0
Total Cost	0	318,000	0	0

Staffing	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
FTEs	0.0	0.0	0.0	0.0

Performance Measure Detail

Activity:	Incremental Changes			
	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
Program: 030				
C900 Program Support - Mental Health	0	0	0	0
No measures submitted for package				

Object Detail

	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
E Goods and Other Services	0	318,000	0	0
Total Objects	0	318,000	0	0

DSHS Source Detail

Overall Funding

Operating Expenditures	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
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Fund 001-1, General Fund-State

Sources Title

0011 General Fund State	0	318,000	0	0
Total for Fund 001-1	0	318,000	0	0
Total Overall Funding	0	318,000	0	0