



**STATE OF WASHINGTON**  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES**  
Office of Forensic Mental Health Services  
Behavioral Health Administration  
PO Box 45330, Olympia, WA 98504-5330

**To: County Commissioners**

**From: Dr. Thomas Kinlen, Director**

**Date: February 10, 2017**

**Re: Community Competency Evaluations**

In recent years, the Department of Social and Health Services (DSHS) has experienced increasing demand for its forensic evaluation and competency restoration services and has been ordered to provide each of these types of services within short turnaround times imposed under statutory provisions and court orders (*Trueblood v. DSHS et al*). DSHS, in coordination with its many community partners, has made significant efforts to expand and improve the delivery of forensic mental health services.

Despite the expansion of DSHS's team of forensic evaluators, DSHS is still not able to meet the statutorily prescribed seven (7) day performance target for the completion of in-custody competency evaluations. In order to ensure that defendants receive timely competency evaluation services, RCW 10.77.073 provides counties an opportunity to appoint their own community competency evaluators if DSHS is unable to meet the seven-day performance target, while receiving reimbursement from DSHS for performing the service. Per 10.77.073, DSHS must reimburse the county for that service in case of the following:

- If DSHS did not meet the seven day performance target during the most recent quarter in 50% of cases submitted by the referring county, as documented in the most recent quarterly report under RCW 10.77.068(3) or confirmed by records maintained by DSHS, DSHS must reimburse the county for the cost of appointing a qualified expert or professional person; OR
- If during the most recent quarter, DSHS did not perform at least one-third of the number of jail-based competency evaluations for in-custody defendants as were performed by qualified experts or professional persons appointed by the court in the referring county,

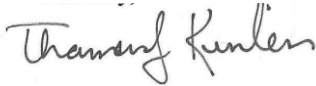
Evaluations may be for both felony and misdemeanor cases. The current fee the Department is authorized to pay for forensic evaluations is \$100 per hour up to \$800 (unless preauthorized for an amount that exceeds this limit).

Each quarter, DSHS will notify eligible counties of the option to use community competency evaluators. In addition, DSHS will publish the names of the counties which are eligible at the following link:  
<https://www-staging.dshs.wa.gov/bha/office-service-integration/community-competency-evaluations>

Per RCW 10.77.073(3), eligible counties who elect to utilize this option will be required to maintain data elements in consultation with DSHS, including data on the timeliness of competency evaluations completed under this section, and to share this data with DSHS.

If you or any interested parties have questions regarding this program, please email [ofmhswebsite@dshs.wa.gov](mailto:ofmhswebsite@dshs.wa.gov). Thank you for your assistance in this matter,

Sincerely,



Dr. Thomas Kinlen, Director  
Office of Forensic Mental Health Services  
Behavioral Health Administration  
Department of Social and Health Service

Cc: Carla Reyes, Assistant Secretary  
Dr. Randall Strandquist, Eastern State Hospital  
Merrie Gough, Administrative Office of the Courts  
Tom McBride, Washington Association of Prosecuting Attorneys  
Christie Hedman, Washington Defense Association  
Juliana Roe, Washington State Association of Counties