

Forensic Mental Health Triage Consultation and Expedited Admission Guide for Defense Counsel and Prosecutors 2021-2022

Behavioral Health
Administration



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DISCLAIMER

This guide is not meant to replace the expertise and knowledge of medical and mental health professionals. This guide is to be used solely for navigating the triage admission process implemented by the Office of Forensic Mental Health Services (OFMHS) and increasing the efficiency of the process to identify individuals ordered for competency restoration or evaluation services and awaiting admission for those services whose current presentation necessitates consideration for expedited admission.

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Behavioral Health Administration
Office of Forensic Mental Health Services

WHO IS THIS GUIDE MEANT FOR?

The Washington State Department of Social and Health Services Behavioral Health Administration Office of Forensic Mental Health Services oversees the admission referral process for persons court-ordered into competency evaluation and restoration services. In addition, OFMHS offers a Triage Consultation and Expedited Admission service that prioritizes the admission of Trueblood class members (defined as individuals who are court-ordered into competency evaluation and/or restoration services and who await those services in jail). Prioritized class members require rapid admission into inpatient psychiatric services because of risk of harm to themselves due to their high level of psychiatric symptoms. This user-friendly guidebook provides an overview of the triage system, details criteria for expedited admission and clarifies the process for defense counsel or prosecutors to submit a request. We hope that our system partners find this guide to be a useful tool to understand the triage system and its potential applicability to the people who are on their caseload and court-ordered to competency evaluation and/or restoration services.

This manual is specifically intended for the use of defense counsel and prosecutors who are involved in competency evaluation or restoration requests and hearings and, therefore, are in a unique position to know the defendants who may be in need of these services. This guide aims to provide information to defense counsel or prosecutors when there is consideration to submit a request for expedited admission.

For questions and comments regarding TCEA, please contact the OFMHS Liaison and Diversion Specialist at triageconsult@dshs.wa.gov or (360) 529-6116.

Behavioral Health Administration
- Office of Forensic Mental Health Services

ABOUT THE FORENSIC MENTAL HEALTH SYSTEM

The DSHS BHA's Office of Forensic Mental Health Services is responsible for the leadership and management of the Department's adult forensic mental health care system. OFMHS provides forensic evaluations, competency restoration, Not Guilty by Reason of Insanity (NGRI) treatment services and liaison services to effectively coordinate efforts with system partners to meet shared goals. OFMHS additionally provides ongoing training and technical assistance to improve quality and timeliness of

forensic mental health services, data management and resource allocation, training and certification of evaluators, and quality monitoring and reporting. OFMHS works in collaboration with community partners to implement robust diversion efforts to prevent people with mental illness from entering the criminal court system. For more information regarding entities within the Washington State Forensic Mental Health System, please visit www.dshs.wa.gov/bha/office-forensic-mental-health-services.

Within the forensic system, OFMHS helps manage the referral process for the forensic units at our state psychiatric hospitals and forensic Residential Treatment Facilities. An admission algorithm was designed to assist with admission decisions by taking in to account the legal and class member status of each defendant with a court order for an inpatient forensic evaluation or inpatient competency restoration. Admissions staff use this data to schedule admissions in coordination with a bed allocation model that maximizes bed turnover and utilization to serve as many defendants as possible with the beds available. As part of the referral process, OFMHS operates a TCEA system that would justify prioritizing and expediting admission to a state psychiatric hospital forensic unit for Trueblood class members who meet certain criteria. Please note that **the triage system is not appropriate for people in need of acute or emergency medical services** as those individuals should be appropriately assessed and referred to an emergency department or an appropriate medical care provider.

CRITERIA FOR EXPEDITED ADMISSION

The criteria for a defendant who is court-ordered into competency evaluation and/or restoration services to be considered for expedited admission are:

- **Active suicidal intent, or actions such as suicide attempts or serious self-inflicted injury; and/or**
- **Inability to meet basic needs that puts the individual's health at risk, such as not eating or drinking for a sufficient period of time which could lead to medical consequences.**

The criteria are based on the rationale that people who meet these criteria are at particularly high risk of harm to themselves and require expedient admission into an inpatient psychiatric care setting. ***If an individual is engaging in any of those behaviors, a request for expedited admission is recommended. When in doubt, please make the request.***

NOTE: An order for forced medication by itself is not a condition for expedited admission and would not by itself automatically trigger a request for consideration for expedited admission.

If there are concerns that a defendant in custody is not receiving proper medical attention, please be sure to notify the jail medical and mental health staff providing care to individual in jail. Trueblood class members, as with any individual housed in a jail presenting with acute medical needs, should be appropriately assessed and provided the appropriate level of care they require. The state psychiatric hospitals are not acute medical hospitals and are never a substitute for appropriate and necessary medical care.

HOW TO REQUEST AN EXPEDITED ADMISSION

Legal counsel may request expedited admission of an individual by submitting an email triageconsult@dshs.wa.gov or fax to (360) 464-2225 that provides specific information as to why the attorney believes the individual meets the criteria for expedited admission. This information can be in a paragraph describing how the individual's actions or behavior causes them to currently be at serious risk of harm to themselves or are unable to meet their basic needs. Please also include a description of their legal status.

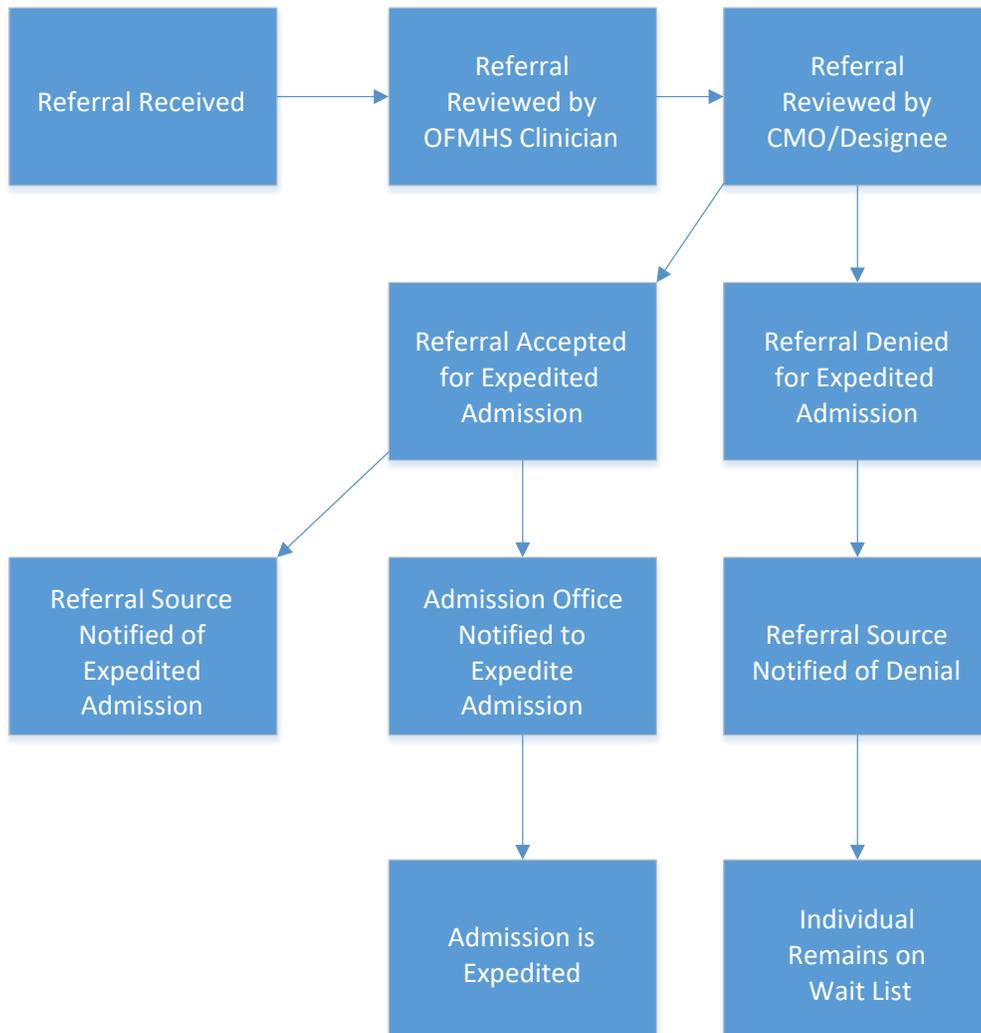
Confirmation of receipt of the request will be provided within 24 hours (excluding weekends and holidays) to the referring party. There may be communication back and forth between OFMHS and the defense counsel or prosecutor regarding aspects of the case (e.g., although this would not result in a declined refusal for expedited admission, OFMHS staff may ask if there is a court order for involuntary psychotropic medication administration?). In most cases the initial email from the defense counsel or prosecutor completes the request and triggers the next step in the process whereby OFMHS works with the jail to complete the referral packet, which includes clinical information to support the request. If you have any questions about the request process, please call 360-529-6116.

NOTE: If an individual is at *imminent* risk of harm due to a mental disorder, and is legally eligible for possible release from jail into an Evaluation and Treatment facility, the local Designated Crisis Responder should be contacted to evaluate the individual and, if needed, to facilitate emergent admission to a psychiatric facility. DCRs are available 24/7 to evaluate for risk of harm.

Upon receipt of the request for expedited admission from the defense counsel and/or prosecutor, an OFMHS staff person will contact the jail and inform them that an attorney request for expedited admission has been made and ask that the jail staff complete a referral packet. The referral packet will contain clinical information (medical and mental health records) to support the attorney's request.

Once the referral packet has been received from the jail, within 24 hours of receipt (excluding weekends and holidays) an OFMHS clinician will review the information provided and make a recommendation as to whether the individual meets criteria for expedited admission. Within 24 hours of the clinician's review, the referral will be forwarded to the respective state hospital's chief medical officer or designee for the decision of expedited admission, and the CMO or designee makes a determination within 48 hours of receipt. If the CMO or designee decides to accept the case for expedited admission, the admission staff at the state hospital is notified of this decision and coordinates with the jail to arrange for the earliest possible admission to the psychiatric hospital's forensic unit. OFMHS will also notify the defense counsel and prosecutor of the expedited admission. If the CMO or designee decides to deny the referral, OFMHS is notified of this denial and informs the jail of the denial, along with the defense counsel and prosecutor. The following flow chart (Figure 1) represents the usual steps involved in the process:

Figure 1: TRIAGE Process



NOTE: A referral for expedited admission can be submitted at any time even if a previous application for the same person was denied.

If after, the referral has been submitted, new information becomes available that would inform/supplement the request, please send the material to triageconsult@dshs.wa.gov, as soon as possible.

If you have questions, comments, suggestions or need any other information pertaining to TCEA, please contact the OFMHS Liaison and Diversion Specialist at (360) 529-6116.

ADDITIONAL RESOURCES

The following resources provide general information and are not specifically associated with the Triage process.

Substance Abuse and Mental Health Services Administration, GAINS Center. Trauma Training for Criminal Justice Professionals [website](#).

Substance Abuse and Mental Health Services Administration. Trauma-Informed Care in Behavioral Health Services [website](#).

The treatment of persons with mental illness in prisons and jails: a state survey. Treatment Advocacy Center and National Sheriff's Association [website](#).

Washington State Administrative Office of the Courts [website](#). The site provides forms that are used statewide in Washington Courts.

Washington State Legal System Guide to Forensic Mental Health [link](#).

Washington State Forensic Mental Health Consultant Review Final Report [website](#).

Washington State Office of Forensic Mental Health Services [website](#).