



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Behavioral Health Administration
PO Box 45050, Olympia, WA 98504-5050

April 13, 2016

Dear Prosecutors,

DSHS, in an effort to comply with the federal court order regarding competency evaluation and restoration services issued in the *Trueblood v. DSHS* case, has opened a facility at the Maple Lane School near Rochester, Washington that is now available to take individuals ordered for competency restoration who meet the facility's eligibility criteria. Your assistance is needed in securing orders that allow DSHS to treat restoration patients either at this facility. These orders are necessary to make efficient and effective use of this new facility. To that end DSHS has compiled this fact sheet, to provide relevant information and answer questions. Thank you for your attention and assistance in making improvements to our state's forensic mental health system

The new 30- bed Maple Lane Competency Restoration Program has is ready to accept individuals ordered for competency restoration. The opening of this facility will help to reduce wait times for pretrial defendants waiting for competency restoration services from the state Department of Social and Health Services (DSHS). In order to use these newly opened restoration beds efficiently and effectively, DSHS is requesting that our criminal justice partners use the recently published competency restoration pattern forms issued by the Administrative Office of the Courts in December 2015¹. These new forms follow the statutory language in RCW 10.77.084(1)(b); 10.77.086(1)(a)(i) and 10.77.088(1)(a) that gives the Department statutory authority to make clinical determinations regarding the appropriate facility for individual defendants.

DSHS also understands, as is common with any significant change to a large and complex system, many of you have or will have questions about the new facility at Maple Lane. Below, DSHS has provided some answers to frequently asked questions about the Maple Lane Competency Restoration Program. However, if additional questions arise, please do not hesitate to contact the DSHS Competency Restoration Program Specialist, Tim Hunter, for more information at huntetj@dshs.wa.gov.

Q: *Who will be providing the treatment at the facility?*

A: Competency restoration services at Maple Lane will provided through a public/private partnership between DSHS and Correct Care Recovery Solutions (CCRS), a contracted provider. DSHS staff include Security Guards, Maintenance Mechanics, Food and Laundry workers, and Residential Rehabilitation Counselors. CCRS staff will provide the clinical treatment and include psychology, psychiatry, social work, nursing and medical care. The treatment model used at Maple Lane will be the same model used at the state hospitals and the Yakima County restoration program, to provide therapeutic competency restoration services within the context of a Residential Treatment Facility (RTF). DSHS will maintain oversight/supervision through contract management, on-

¹ <https://www.courts.wa.gov/forms/?fa=forms.static&staticID=14#MentalProceedings>

site certification visits to ensure appropriate policies and procedures are in place, frequent phone contact and in person visits to the facility.

Q: *Have there been any changes made to the physical plant to accommodate a treatment-focused program rather than a correctional environment?*

A: The building has been substantially remodeled in order to provide a therapeutic environment. When this facility formerly functioned as a unit within a juvenile correctional facility, it held 70 residents. It has been reconfigured now so that the same space will be occupied by only 30 patients, allowing far more personal space. The unit has been remodeled to remove ligature risks to make the physical environment more consistent with that of a psychiatric hospital. There is ample space for group treatment and social interaction. Visitors to the facility have remarked that they are surprised by the degree to which the building has been transformed to look and feel like a residential treatment facility.

Q: *Will the treatment be the same as what is offered at the state hospitals?*

A: The clinical services at Maple Lane are based on the Behavioral Health Administration's medication formulary and "Breaking Barriers" psychosocial programming. The "Breaking Barriers" program is implemented at Western State Hospital, Eastern State Hospital and the Yakima County Competency Restoration Program. This model uses forensically identified barriers to competency to stand trial as the basis for treatment planning, thereby maximizing the efficiency of competency restoration services.

Q: *Who is eligible for admission to the Maple Lane facility?*

A: The Maple Lane Competency Restoration Program is intended to serve patients who are assessed to be relatively low in psychiatric acuity and also at a relatively low-level of risk to harm themselves or others. Individual candidates for admission are screened by clinical staff to determine appropriateness for the program. In addition, both Western and Eastern State Hospitals continue to be options for patients, as well as the new program in Yakima County. Patient/defendants ordered into competency restoration services will be assessed via a centralized screening process to determine which of the four locations best matches their individual needs.

Q: *Who makes the decision about whether an individual goes to the state hospital or to the Maple Lane program?*

A: DSHS makes this determination based upon the eligibility criteria described above. State law places the discretion for placement for competency restoration in the hands of the Secretary of DSHS. See RCW 10.77.084(1)(b), 10.77.086(1)(a)(i) and 10.77.088(1)(a).

Q: *I recently received a request from DSHS to amend an existing order for competency restoration to allow for treatment at Maple Lane, is there any particular language I should use?*

A: There are a couple of options. The first, which is what DSHS recommends, is use of the new pattern forms published by the Administrative Office of the Courts in December. The link is below and the competency restoration orders are MP 240 and MP 250. Checking the box for "Department Facility" (e.g. pg. 2, section 5 of the

felony order) will allow DSHS to place an individual in the state hospital or Yakima, depending on the individual needs of that defendant.

The other option, if just an amendment is needed rather than a new order, is to substitute language that places the discretion in the hands of the Department without specifying a particular location. *See* RCW 10.77.086(1)(a)(i)(A) (felonies) or 10.77.088(1)(a) (misdemeanors). Instead of language that directs treatment only at WSH, we would recommend language such as “committed to the custody of the Department/DSHS/Secretary of DSHS” or “committed to WSH or another appropriate facility as determined by the Department.” This language would also need to be reflected in portions of the order regarding transportation or involuntary medications so that if DSHS exercises its discretion to use the Maple Lane facility, it doesn’t need an amended order to accomplish transport to Maple Lane or a new order allowing Comprehensive Mental Health to use involuntary medications.

Q: *What level of security will the Maple Lane facility have?*

A: Developed along a continuum of security, the RTF is minimum security given various factors including the physical layout. Like Western and Eastern State Hospitals’ forensic units, the RTF is a secure facility. Security staff at Maple Lane are present within the unit 24/7 and are trained to respond in the event of an emergency.

Q: *I’m a defense attorney, will I be able to visit or contact my client?*

A: Just like the state hospitals, attorneys are able to visit patients at the facility or communicate by telephone. Plans are underway to develop a videoconferencing system that would enable access to forensic evaluation services.

Q: *How will the individual be transported to the facility?*

A: Transportation for patients coming from jails will be arranged by the sending county. Patients coming to the RTF from a state psychiatric hospital will be transported by DSHS.

We appreciate your interest in the Maple Lane Competency Restoration Program and look forward to working with you make this new facility efficient and effective for pretrial defendants who are ordered to receive competency restoration services.

Thank you,



Tim Hunter
Competency Restoration Specialist
DSHS/BHA
(360) 725-2265