

SENATE BILL REPORT

ESSB 6733

As Passed Senate, February 15, 2010

Title: An act relating to allocating responsibility for court-related costs of involuntary commitment proceedings.

Brief Description: Creating a work group to review allocation of court-related involuntary commitment costs.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senator King).

Brief History:

Committee Activity: Human Services & Corrections: 2/04/10 [DPS].
Passed Senate: 2/15/10, 47-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6733 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Kevin Black (786-7747)

Background: The Involuntary Treatment Act allows a designated mental health professional (DMHP) to detain a person for up to 72 hours if the DMHP finds that the person has a mental disorder, and as a result of the mental disorder presents a likelihood of serious harm or is gravely disabled. The DMHP must then file a civil commitment petition in superior court, and the court must hold a probable cause hearing to determine whether the person may be held in detention for an additional 14 days of involuntary mental health treatment. Before the conclusion of this 14-day period, a further petition may be filed requesting up to 90 additional days of treatment. The detained person may request a bench trial or jury trial to oppose a 90-day petition.

There are a limited number of evaluation and treatment facilities (E&Ts) in Washington which accept patients for involuntary commitment. Due to the scarcity of E&T beds, it is not unusual for a person who is detained in one county to be placed in an E&T in a different

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county for treatment. The court hearings would then occur in the county where the person is receiving treatment.

A Regional Support Network (RSN) is a county authority, group of county authorities, or private entity which contracts with the Department of Social and Health Services to provide mental health services to consumers in a given area.

Summary of Engrossed Substitute Bill: A work group must be convened by the Legislature to review the appropriate allocation of responsibility for court-related costs and fees associated with involuntary commitment hearings, including when an involuntary commitment hearing takes place in a different locality than the locality in which the respondent was originally detained. Invited members to the work group must include a representative of a Regional Support Network east of the Cascade Mountains, a representative of a Regional Support Network west of the Cascade Mountains, a representative of a predominantly urban county, a representative of a predominantly rural county, a court administrator, a prosecutor or representative of a prosecutor's association, a defense attorney or representative of a defense association, and a consumer or family representative.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute As Heard in Committee:
PRO: When a county has an E&T, it should have a mechanism to recoup the costs it incurs when other counties or RSNs send patients to that E&T. In King County, almost 19 percent of involuntary commitment hearings originate outside of the county, at a cost of over \$700,000 per year. In Yakima, 179 individuals were admitted in the last six months of 2009 from outside of Yakima County. The state should reimburse counties for the cost of 14-day and 90-day commitment hearings in the same fashion that it reimburses Pierce and Spokane Counties for the expense of 180-day hearings. The budget crisis affects counties as well as the state.

OTHER: We are concerned about the impact of these costs on treatment at the local level. State-only unrestricted treatment dollars were reduced in 2009, and the Governor has called for a further reduction in 2010. If this bill goes forward, it should contain more clarity as to how costs are measured. This is a very complex issue; each RSN does things differently and the impact would vary around the state. We should take a thorough look at this issue over the interim.

Persons Testifying: PRO: Senator King, prime sponsor; Amnon Shoenfeld, King County Regional Support Network; Steve Hill, Yakima County Human Services.

OTHER: John Masterson, Washington Community Mental Health Council; Rashi Gupta, Washington State Association of Counties.