

SENATE BILL REPORT

SB 5122

As Reported by Senate Committee On:
Human Services & Corrections, February 7, 2013

Title: An act relating to improving safety for patients and staff at state hospitals.

Brief Description: Concerning patient and staff safety at state hospitals.

Sponsors: Senators Carrell, Darneille, Pearson, Roach, Sheldon, Dammeier, Honeyford and Conway.

Brief History:

Committee Activity: Human Services & Corrections: 1/29/13, 2/07/13 [DPS-WM].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5122 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Baumgartner, Hargrove, Harper and Padden.

Staff: Kevin Black (786-7747)

Background: The Department of Social and Health Services (DSHS) operates Western State Hospital, Eastern State Hospital, and the Child Study and Treatment Center, which are institutions that provide inpatient mental health treatment to persons civilly committed under the Involuntary Treatment Act or forensically committed for services related to criminal insanity or competency to stand trial. Collectively the state hospitals have 1115 patient beds for adults, consisting of 750 civil beds and 365 forensic beds, and 47 beds for children.

State hospitals can provide a dangerous working environment for patients and staff. Studies by the Department of Labor and Industries have measured the relatively high rate of worker compensation claims filed by staff over time at the state hospitals. A 2011 news report identified the state hospitals as the most dangerous work environment in the state in terms of risk of on-the-job assault.

Summary of Bill (Recommended Substitute): By December 1, 2013, DSHS must develop a plan to enhance the safety of state hospital patients and staff and share the plan with the

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Governor and Legislature. At a minimum, this plan must include consideration of the following elements:

- development of increased security areas in the hospital for effective monitoring and control of patients who present a high threat of violence;
- adoption of safety planning procedures which ensure that incidents of intentional assault are followed by meaningful and perceptible consequences for the patient;
- whether or not roles or placements of security personnel should be changed;
- an assessment of training enhancements that could increase safety from assault, including alternate security models; and
- an estimate of the total cost of assault at the state hospitals, combined with a plan to measure the cost savings realized by decreasing incidents of assault and capturing the savings for reinvestment in further safety enhancements.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): The plan developed by DSHS must include consideration of whether or not roles or placements of security personnel should be changed.

Appropriation: None.

Fiscal Note: Available.

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 Original Bill: PRO: This is a work in progress which may need fine tuning. We are looking for a moderate way to deal with assaults that occur. If the prosecutors will not act, we can't just throw up our hands. I have been injured at Western State Hospital. Some steps to improve safety have been taken but more needs to be done. This bill needs more teeth. When a person maliciously attacks another patient or staff, it is not fair to just assume the person is incompetent or insane. Taking personal responsibility is part of therapy. There were over 300 assaults at Western State Hospital last year. Lack of safety undermines therapeutic goals. I have been assaulted with injury two dozen times at Western State Hospital. Staffing levels must be increased.

OTHER: Please include language recognizing that patients present a risk of violence to themselves as well as others. The intentional assault language sounds punitive, the patients don't have the requisite mental state for intentional assault, and we should be concerned with all types of assault. The references to security are vague and could trigger actions that would impinge on treatment and best practices. While it is appropriate to address safety issues at the state hospitals, we don't want to see hospitals turned into prison-like environments. It's important to keep a therapeutic environment. Not all patients are incapable of forming the requisite intent for assault. Patients don't respond well to the presence of uniformed security. We would prefer having better training and more staff.

Persons Testifying: PRO: Senator Carrell, prime sponsor; Lawrence Thompson, Federation of State Employees 793; Barbara Yates, Western State Hospital.

OTHER: Seth Dawson, National Alliance on Mental Illness (NAMI), NAMI WA; C. Wesley Richards, WA Assn. of Criminal Defense Lawyers, WA Defender Assn.; Rick Hertzog, Western State Hospital.