

SENATE BILL REPORT

SB 5645

As Reported by Senate Committee On:
Human Services, Mental Health & Housing, February 19, 2015

Title: An act relating to data reporting concerning the collection of data when a psychiatric patient meets detention criteria and no evaluation and treatment bed is available.

Brief Description: Concerning data reporting concerning the collection of data when a psychiatric patient meets detention criteria and no evaluation and treatment bed is available.

Sponsors: Senators Parlette, Cleveland, O'Ban and Darneille.

Brief History:

Committee Activity: Human Services, Mental Health & Housing: 2/03/15, 2/19/15 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: That Substitute Senate Bill No. 5645 be substituted therefor, and the substitute bill do pass.

Signed by Senators O'Ban, Chair; Miloscia, Vice Chair; Darneille, Ranking Minority Member; Hargrove and Padden.

Staff: Kevin Black (786-7747)

Background: The Involuntary Treatment Act (ITA) allows a designated mental health professional (DMHP) to detain a person in situations where physical harm is at risk based on a mental disorder which causes the person to present a likelihood of serious harm or to be gravely disabled. The ITA requires persons to be detained to an evaluation and treatment facility (E&T). An E&T is defined as any facility which can provide directly or by arrangement with other agencies emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the Department of Social and Health Services (DSHS).

In August the Washington Supreme Court decided *In re D.W.*, 181 Wn.2d 201 (2014), in which the court determined that currently existing statutes and rules under the ITA do not allow DSHS to temporarily certify single E&T beds unless the person requires a service which is not available at an E&T, and do not authorize single bed certification based on lack of room at a regularly certified E&T facility. The court stayed the issuance of its mandate until December 26, 2014.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In response to this decision, DSHS enacted emergency rule changes in August, September, and December. Washington Administrative Code now authorizes DSHS to grant a single bed certification enabling detention of a person if the single bed certification is to a facility that is willing and able to provide timely and appropriate mental health treatment, either directly or by arrangement with other agencies. Examples of facilities that may be approved for single bed certifications include community facilities, residential treatment facilities, hospitals with psychiatric units, psychiatric hospitals, and hospitals that are willing and able to provide timely and appropriate mental health treatment. Also in response to this decision, DSHS collaborated with the Governor's Office and others to make 145 additional regularly certified E&T beds available for detention in King, Pierce, and Snohomish counties by the end of 2014, with additional expansion of beds planned in 2015.

Summary of Bill (Recommended Substitute): A DMHP must submit a report to DSHS within 24 hours when the DMHP determines that an adult or minor meets involuntary detention criteria, but there are not any E&T beds available, and the person cannot be served through a single bed certification or less-restrictive alternative.

DSHS must develop a standardized form for this report, including information such as the identity of the responsible regional support network and a list of facilities which refused to admit the person. DSHS must create quarterly reports displayed on its website that summarize reported information and the number of single bed certifications granted by category.

EFFECT OF CHANGES MADE BY HUMAN SERVICES, MENTAL HEALTH & HOUSING COMMITTEE (Recommended Substitute): Information that must be reported by the DMHP to DSHS is expanded to include a list of facilities which refused to admit the person. DMHPs must report information related to minors.

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: We need to know what's happening in our communities to figure out how to help persons get treatment at the local level. Data collection is important. We currently have only part of the picture, because DSHS collects information when a person is detained to a single bed certification, but does not collect information when a person meets detention criteria but there is no bed available. We have tried to keep this bill simple in terms of what information will be collected. Transparency is needed to give us a picture within the state of where we need services and the types of services that are needed. Getting information together is very helpful for all stakeholders in the system. Please amend the bill to track 180-day orders and detentions of children.

Persons Testifying: PRO: Senator Parlette, prime sponsor; Lisa Thatcher, Chelene Whiteaker, WA State Hospital Assn.; Mike De Felice, WA Defender Assn., WA Assn. of Criminal Defense Lawyers.