

County appropriations

Criminal Justice Treatment Account (CJTA) administration

Engrossed Substitute Senate Bill 5092; Section 215(17); Chapter 334; Laws of 2021

September 30, 2021

Legislative summary

The Health Care Authority (HCA) is submitting this report as directed by Engrossed Substitute Senate Bill 5092; Section 215(17); Chapter 334; Laws of 2021:

“The criminal justice treatment account-state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to [RCW 71.24.580](#). The authority must offer counties the option to administer their share of the distributions provided for under [RCW 71.24.580 \(5\) \(a\)](#). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to [RCW 71.24.580 \(5\) \(b\)](#). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual’s treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under [RCW 69.50.4013 \(1\)](#). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2021.”

Criminal Justice Treatment Account background

The Criminal Justice Treatment Account (CJTA) began in 2002 to help those involved in the criminal legal system gain access to substance use disorder treatment. This funding was dedicated to support individuals with criminal charges who had an undiagnosed and/or untreated substance use disorder — including those enrolled in a drug court program.

County governments were responsible for administering the distribution of these funds since the funding mechanism was established. However, with the integration of behavioral health services in our state in 2016, funding supervision changed to the Behavioral Health Organizations (BHO) or the Administrative Service Organization (ASO), depending on the region and level of managed care integration. Many BHOs and ASOs began to contract with different providers than the counties used when they oversaw the funds. This change, along with administrative barriers, caused difficulties with some regions and providers. For example, some drug court programs could no longer access the funds, which made it challenging to meet their clients’ needs.

Right of first refusal

[ESSB 6032 \(2018\)](#) directed HCA to provide the counties the option to reinstate their funding oversight (i.e., Right of first refusal). In response, HCA sent out a letter to all county commissioners advising them of the intent of the legislature and asking for written response of the county’s intentions. At that time, 22 Counties reported they would like to continue to have the BHO or ASO continue to administer CJTA appropriations, and 17 Counties chose to administer their CJTA funds through County Government. It was noted in the 2018 report to the legislature that all the counties in Integrated Managed Care (IMC) regions

at that time (Southwest and North Central regions) elected to take back administrative duties of CJTA funding.

Responses of county commissioners and human services directors

[ESHB 1109 \(2019\)](#) directed HCA to offer the counties the option to administer their share of CJTA appropriations. HCA reached out to all county commissioners and, per the request of the Washington State Association of Counties, the County Human Service directors. In 2019 Five additional counties chose to coordinate their CJTA appropriations: Lewis, Pacific, Wahkiakum, Klickitat, and Snohomish. At the same time, Douglas County chose to revert to their previous arrangement with having North Sound ASO administer their share of the CJTA appropriations. In 2020 San Juan County elected to coordinate their CJTA appropriations, and Klickitat chose to revert to their previous arrangement having Southwest ASO administer their share of the CJTA appropriations. Per [ESSB 5092 \(2021\)](#), HCA reached out to County Governments and Human Service Directors in March 2021. At the time of the request, no additional counties requested to contract directly with HCA for CJTA allocations. Table 1 reflects the fiscal year 2021 allocation amounts and contracting authority for administration of the funding.

2021 therapeutic court proviso

[ESSB 5092 \(2021\)](#) directed 9,000,000 of the criminal justice treatment account state appropriation for the HCA to maintain funding for the new therapeutic courts that were created or expanded during fiscal year 2021, or the maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices. The distribution of these funds includes the use of medication assisted treatment in jail settings as directed within [RCW 71.24.580](#).

State fiscal year allocations

Table 1 details the breakdown, by county, of allotted CJTA funds for state fiscal year 2021. It also shows each county's response regarding administration of CJTA funds. Figure 1 provides a visual representation of where CJTA administration currently resides: BHO, ASO, County.

Table 1: Fiscal year 2021 CJTA allotment funding administrative preference

Region	Entity	Base	State Drug Court	Therapeutic Court Proviso	Total
Greater Columbia -Asotin -Benton -Columbia -Franklin -Garfield -Kittitas -Whitman -Yakima	ASO	646,750		562,950	1,209,700
King	ASO	1,154,320	201,957	1,005,300	2,361,577
North Central -Douglas	ASO	47,677		41,400	89,077
Pierce	ASO	538,096	194,890	468,450	1,201,436

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Salish -Clallam -Jefferson -Kitsap	ASO	261,805	210,879	227,700	700,384
Southwest - Klickitat	ASO	43,979		38,250	82,229
Spokane -Adams -Pend Oreille -Spokane	ASO	465,659	127,103	405,450	998,212
Chelan	County	95,334		59,400	154,734
Clark	County	270,600		235,350	505,950
Cowlitz	County	6,406	54,196	0	60,602
Ferry-Stevens	County	30,580		79,650	110,230
Grant	County	147,210		0	147,210
Grays Harbor	County	52,610		42,500	95,110
Island	County	50,705		44,100	94,805
Lewis	County	68,814		95,850	164,664
Lincoln	County	33,392		0	33,392
Mason	County	49,130		42,750	91,880
Okanogan	County	51,222		44,550	95,772
Pacific	County	44,497		24,713	69,210
San Juan	County	36,910		31,450	68,360
Skagit	County	98,824	86,269	105,950	291,043
Skamania	County	23,892		0	23,892
Snohomish	County	425,820		370,350	796,170
Thurston	County	152,416	67,370	56,850	276,636
Wahkiakum	County	164,840		0	164,840
Walla Walla	County	31,772		30,000	61,772
Whatcom	County	174,881		152,100	326,981
Total		5,168,141	942,664	4,165,063	10,275,868

