

REPORT TO THE LEGISLATURE

State Mental Health Facilities Case Referrals and Investigations - Preliminary Report

Engrossed Second Substitute House Bill 1086

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EXECUTIVE SUMMARY

In 2021, the Legislature passed Engrossed 2nd Substitute House Bill 1086, creating the Office of Behavioral Health Consumer Advocacy. The non-profit organization PeerWA will operate as the Office of Behavioral Health Advocacy (OBHA). The OBHA contract went into effect on July 1, 2022. The Department of Social and Health Services (DSHS) has requirements to collaborate with OBHA and provide reports as to patient complaints and investigations. ESSB 5092 included proviso language which directs DSHS to submit a preliminary report on the number of monthly cases and follow-up investigations by December 1, 2022, and a final report by June 30, 2023. This report serves as the preliminary report.

DSHS DUTIES FROM HOUSE BILL 1086

The Office of the Secretary of the Department of Social and Health Services employs one Ombuds for the Special Commitment Center and the Behavioral Health Administration employs an Ombuds for the three state hospitals: Child Study and Treatment Center (CSTC), Eastern State Hospital (ESH), and Western State Hospital (WSH).

The BHA Patient Rights Ombuds was initially dedicated solely to patients receiving forensic services at ESH and WSH. The creation of OBHA, and associated increased requirements for DSHS, expanded the position to include both forensic and civil patients at the three state hospitals. This position now leads the BHA Office of the Patient Rights Ombuds (OPRO) and oversees two additional ombuds positions, one for ESH and one for WSH and CSTC. The Special Commitment Center Ombuds position is currently unfilled and not affiliated with BHA OPRO.

In mid-September, OPRO met with OBHA to discuss our working relationship directed by E2SHB 1086. These two offices will enter a Memorandum of Understanding (MOU)/Business Agreement (BA) to outline expectations, the division of labor, and plans for collaboration. The MOU/BA is expected to be in place by January 1, 2023.

LEGISLATIVE APPROVED EXPENDITURES AND DSHS REQUIREMENTS

The legislature approved \$360,000 from the General Fund for DSHS to implement E2SHB 1086.

Budget Proviso:

“(t) \$360,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to implement Engrossed Second Substitute House Bill No. 1086 (behavioral health consumers). The amount in this subsection is provided solely for the department's costs associated with providing access to and following up on referrals from behavioral health consumer advocates in state operated mental health facilities. The department must track the number of monthly cases in which access to behavioral health consumer advocates was provided for patients in state operated mental health facilities and the number of these which resulted in subsequent follow-up investigation by the

department. The department must submit a preliminary report to the office of financial management and the appropriate committees of the legislature on the number of monthly cases and follow-up investigations by December 1, 2022, and a final report by June 30, 2023.”

With these funds, DSHS created three new positions: two new Ombuds positions and one Management Analyst 4 position. New Ombuds will serve Western State Hospital and Eastern State Hospital. The WSH Ombuds started employment in mid-August 2022. The Management Analyst started on September 1, 2022. The ESH Ombuds begins work in mid-October of 2022. No later than January 1, 2023, DSHS will begin tracking the number of monthly cases in which access to behavioral health consumer advocates from OBHA was provided for patients in state operated mental health facilities and the number of these which resulted in subsequent follow-up investigation by the department. DSHS will be prepared to report these statistics to the Legislature by June 2023.

To accomplish this, OPRO is developing a comprehensive database to track types of complaints, complaints specific to facility, origin of complaints, number of complaints that needed follow-up or investigation, and complaint resolution (if appropriate pursuant to HIPPA constraints).

COMMUNICATION PLAN

OPRO will implement a communication and outreach initiative to ensure that patients, staff, and family members have information as to what the Office does, how to reach it, and how to file a complaint. BHA will also create a website presence that will allow family and community members to report complaints and give the public further information about the role of the OPRO. This work will be done in conjunction with OBHA to help ensure patients and families have access to that office as well.

CONCLUSION

DSHS is moving towards a collaborative working relationship with OBHA as outlined in E2SHB 1086. The MOU/BA should be in place by the end of the 2022 and will outline the duties and expectations of both DSHS and OBHA. DSHS will be fully operational in its requirements within E2SHB 1086 by January 1, 2023.