

SSB 5531 - H COMM AMD
By Committee on Ways & Means

ADOPTED AND ENGROSSED 4/9/11

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that counties
4 that host evaluation and treatment beds incur costs by providing
5 judicial services associated with civil commitments under chapters
6 71.05 and 71.34 RCW. Because evaluation and treatment beds are not
7 evenly distributed across the state, these commitments frequently occur
8 in a different county from the county in which the person was
9 originally detained. The intent of this act is to create a process for
10 the state to reimburse counties through the regional support networks
11 for the counties' reasonable direct costs incurred in providing these
12 judicial services, and to prevent the burden of these costs from
13 falling disproportionately on the counties or regional support networks
14 in which the commitments are most likely to occur. The legislature
15 recognizes that the costs of judicial services may vary across the
16 state based on different factors and conditions.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.05 RCW
18 to read as follows:

19 (1) A county may apply to its regional support network on a
20 quarterly basis for reimbursement of its direct costs in providing
21 judicial services for civil commitment cases under this chapter and
22 chapter 71.34 RCW. The regional support network shall in turn be
23 entitled to reimbursement from the regional support network which
24 serves the county of residence of the individual who is the subject of
25 the civil commitment case. Reimbursements under this section shall be
26 paid out of the regional support network's nonmedicaid appropriation.

27 (2) Reimbursement for judicial services shall be provided per civil
28 commitment case at a rate to be determined based on an independent
29 assessment of the county's actual direct costs. This assessment must

1 be based on an average of the expenditures for judicial services within
2 the county over the past three years. In the event that a baseline
3 cannot be established because there is no significant history of
4 similar cases within the county, the reimbursement rate shall be equal
5 to eighty percent of the median reimbursement rate of counties included
6 in the independent assessment.

7 (3) For the purposes of this section:

8 (a) "Civil commitment case" includes all judicial hearings related
9 to a single episode of hospitalization, or less restrictive alternative
10 detention in lieu of hospitalization, except that the filing of a
11 petition for a one hundred eighty-day commitment under this chapter or
12 a petition for a successive one hundred eighty-day commitment under
13 chapter 71.34 RCW shall be considered to be a new case regardless of
14 whether there has been a break in detention. "Civil commitment case"
15 does not include the filing of a petition for a one hundred eighty-day
16 commitment under this chapter on behalf of a patient at a state
17 psychiatric hospital.

18 (b) "Judicial services" means a county's reasonable direct costs in
19 providing prosecutor services, assigned counsel and defense services,
20 court services, and court clerk services for civil commitment cases
21 under this chapter and chapter 71.34 RCW.

22 (4) To the extent that resources have shared purpose, the regional
23 support network may only reimburse counties to the extent such
24 resources are necessary for and devoted to judicial services as
25 described in this section.

26 (5) No filing fee may be charged or collected for any civil
27 commitment case subject to reimbursement under this section.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 71.05 RCW
29 to read as follows:

30 (1) The joint legislative audit and review committee shall conduct
31 an independent assessment of the direct costs of providing judicial
32 services under this chapter and chapter 71.34 RCW as defined in section
33 2 of this act. This assessment shall be conducted for any county in
34 which more than twenty civil commitment cases were conducted during the
35 year prior to the study. This assessment must be completed by June 1,
36 2012.

1 (2) The administrative office of the courts and the department
2 shall provide the joint legislative audit and review committee with
3 assistance and data required to complete the assessment.

4 (3) The joint legislative audit and review committee shall present
5 recommendations as to methods for updating the costs identified in the
6 assessment to reflect changes over time.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 71.34 RCW
8 to read as follows:

9 A county may apply to its regional support network for
10 reimbursement of its direct costs in providing judicial services for
11 civil commitment cases under this chapter, as provided in section 2 of
12 this act.

13 **Sec. 5.** RCW 71.05.110 and 1997 c 112 s 7 are each amended to read
14 as follows:

15 Attorneys appointed for persons pursuant to this chapter shall be
16 compensated for their services as follows: (1) The person for whom an
17 attorney is appointed shall, if he or she is financially able pursuant
18 to standards as to financial capability and indigency set by the
19 superior court of the county in which the proceeding is held, bear the
20 costs of such legal services; (2) if such person is indigent pursuant
21 to such standards, the ~~((costs of such services shall be borne by))~~
22 regional support network shall reimburse the county in which the
23 proceeding is held ~~((, subject however to the responsibility for costs~~
24 ~~provided in RCW 71.05.320(2)))~~ for the direct costs of such legal
25 services, as provided in section 2 of this act.

26 **Sec. 6.** RCW 71.24.160 and 2001 c 323 s 15 are each amended to read
27 as follows:

28 The regional support networks shall make satisfactory showing to
29 the secretary that state funds shall in no case be used to replace
30 local funds from any source being used to finance mental health
31 services prior to January 1, 1990. Maintenance of effort funds devoted
32 to judicial services related to involuntary commitment reimbursed under
33 section 2 of this act must be expended for other purposes that further
34 treatment for mental health and chemical dependency disorders.

1 **Sec. 7.** RCW 71.34.300 and 1985 c 354 s 14 are each amended to read
2 as follows:

3 (1) The county or combination of counties is responsible for
4 development and coordination of the evaluation and treatment program
5 for minors, for incorporating the program into the county mental health
6 plan, and for coordination of evaluation and treatment services and
7 resources with the community mental health program required under
8 chapter 71.24 RCW.

9 (2) The county shall be responsible for maintaining its support of
10 involuntary treatment services for minors at its 1984 level, adjusted
11 for inflation, with the department responsible for additional costs to
12 the county resulting from this chapter. Maintenance of effort funds
13 devoted to judicial services related to involuntary commitment
14 reimbursed under section 2 of this act must be expended for other
15 purposes that further treatment for mental health and chemical
16 dependency disorders.

17 **Sec. 8.** RCW 71.34.330 and 1985 c 354 s 23 are each amended to read
18 as follows:

19 Attorneys appointed for minors under this chapter shall be
20 compensated for their services as follows:

21 (1) Responsible others shall bear the costs of such legal services
22 if financially able according to standards set by the court of the
23 county in which the proceeding is held.

24 (2) If all responsible others are indigent as determined by these
25 standards, the ~~((costs of these legal services shall be borne by))~~
26 regional support network shall reimburse the county in which the
27 proceeding is held for the direct costs of such legal services, as
28 provided in section 2 of this act.

29 **Sec. 9.** RCW 71.05.230 and 2009 c 217 s 2 and 2009 c 293 s 3 are
30 each reenacted and amended to read as follows:

31 A person detained for seventy-two hour evaluation and treatment may
32 be detained for not more than fourteen additional days of involuntary
33 intensive treatment or ninety additional days of a less restrictive
34 alternative to involuntary intensive treatment. ~~((There shall be no~~
35 ~~fee for filing petitions for fourteen days of involuntary intensive~~

1 ~~treatment.~~) A petition may only be filed if the following conditions
2 are met:

3 (1) The professional staff of the agency or facility providing
4 evaluation services has analyzed the person's condition and finds that
5 the condition is caused by mental disorder and either results in a
6 likelihood of serious harm, or results in the detained person being
7 gravely disabled and are prepared to testify those conditions are met;
8 and

9 (2) The person has been advised of the need for voluntary treatment
10 and the professional staff of the facility has evidence that he or she
11 has not in good faith volunteered; and

12 (3) The facility providing intensive treatment is certified to
13 provide such treatment by the department; and

14 (4) The professional staff of the agency or facility or the
15 designated mental health professional has filed a petition for fourteen
16 day involuntary detention or a ninety day less restrictive alternative
17 with the court. The petition must be signed either by:

- 18 (a) Two physicians;
- 19 (b) One physician and a mental health professional;
- 20 (c) Two psychiatric advanced registered nurse practitioners;
- 21 (d) One psychiatric advanced registered nurse practitioner and a
22 mental health professional; or

23 (e) A physician and a psychiatric advanced registered nurse
24 practitioner. The persons signing the petition must have examined the
25 person. If involuntary detention is sought the petition shall state
26 facts that support the finding that such person, as a result of mental
27 disorder, presents a likelihood of serious harm, or is gravely disabled
28 and that there are no less restrictive alternatives to detention in the
29 best interest of such person or others. The petition shall state
30 specifically that less restrictive alternative treatment was considered
31 and specify why treatment less restrictive than detention is not
32 appropriate. If an involuntary less restrictive alternative is sought,
33 the petition shall state facts that support the finding that such
34 person, as a result of mental disorder, presents a likelihood of
35 serious harm, or is gravely disabled and shall set forth the less
36 restrictive alternative proposed by the facility; and

37 (5) A copy of the petition has been served on the detained person,

1 his or her attorney and his or her guardian or conservator, if any,
2 prior to the probable cause hearing; and

3 (6) The court at the time the petition was filed and before the
4 probable cause hearing has appointed counsel to represent such person
5 if no other counsel has appeared; and

6 (7) The petition reflects that the person was informed of the loss
7 of firearm rights if involuntarily committed; and

8 (8) At the conclusion of the initial commitment period, the
9 professional staff of the agency or facility or the designated mental
10 health professional may petition for an additional period of either
11 ninety days of less restrictive alternative treatment or ninety days of
12 involuntary intensive treatment as provided in RCW 71.05.290; and

13 (9) If the hospital or facility designated to provide outpatient
14 treatment is other than the facility providing involuntary treatment,
15 the outpatient facility so designated has agreed to assume such
16 responsibility.

17 NEW SECTION. **Sec. 10.** Except for section 3 of this act, this act
18 takes effect July 1, 2012."

19 Correct the title.

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