

# SENATE BILL REPORT

## SB 5792

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As of February 12, 2015

**Title:** An act relating to establishing a centralized office of forensic mental health services.

**Brief Description:** Establishing a centralized office of forensic mental health services.

**Sponsors:** Senator Darneille.

**Brief History:**

**Committee Activity:** Human Services, Mental Health & Housing: 2/10/15.

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### SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

**Staff:** Kevin Black (786-7747)

**Background:** The term forensic mental health services refers to evaluation and treatment services related to competency to stand trial and criminal insanity. A criminal defendant is competent to stand trial if the defendant has the present capacity to understand the criminal proceedings against them, or sufficient ability to assist in their own defense. A person is criminally insane if they have been acquitted of a crime by reason of insanity and committed to a state hospital by a court or jury on the basis of danger to other persons or substantial likelihood of committing further criminal acts jeopardizing public safety or security.

Forensic mental health services are administered and provided by staff from Washington's three state hospitals: Western State Hospital, Eastern State Hospital, and the Child Study and Treatment Center. Administrative oversight and support for the state hospitals is provided by the Department of Social and Health Services (DSHS).

In 2014 DSHS published a report entitled Forensic Mental Health Consultant Review Final Report. This report was prepared by Groundswell Services, Inc., a consortium of national experts in forensic mental health services based at the University of Denver, University of Virginia, and University of Massachusetts. Development of this report was required and funded by the Legislature pursuant to Second Substitute Senate Bill 5732 in 2013. The report makes several recommendations for reform of Washington's forensic mental health system, including that Washington should establish a centralized Office of Forensic Mental Health Services with adequate authority and data-management capacity. The provisions of this bill are congruent with a subset of the recommendations contained in the report.

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*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.*

**Summary of Bill:** An Office of Forensic Mental Health is established within DSHS. This office must be led by a director on at least the level of deputy assistant secretary within DSHS who must, after a reasonable period of transition, have the following responsibilities:

- operational control of all forensic evaluation services, including specific budget allocation;
- training forensic evaluators;
- developing a system to certify forensic evaluators and monitor the quality of forensic evaluation reports;
- acting as liaison with courts, jails, and community mental health programs to ensure proper flow of information, coordination of logistical issues, and solving problems in complex circumstances;
- coordinating with state hospitals to identify and develop best practice recommendations and curricula for services unique to forensic patients;
- promoting congruence across state hospitals where appropriate and interventions which flow smoothly into community interventions;
- coordinating with entities regarding community treatment and monitoring of persons on conditional release;
- overseeing forensic data collection and analysis; and
- overseeing development and implementation of community forensic programs.

The Office of Forensic Mental Health Services must have a clearly delineated budget separate from the overall budget for state hospital services.

**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:** PRO: This bill comes from a report describing best practices for DSHS to implement. One of these best practices is creating a central office for forensic psychology. This will promote quality assurance and transparency and accountability. DSHS supports this bill in concept and agrees with the forensic consultants' recommendations. We have tried to do bits and pieces of these recommendations that we can accomplish within existing funding. This is a challenge when state hospital operations are overspent. This bill would give us the opportunity to ramp up what we have already been able to do on our own and give these efforts the focus they deserve.

**Persons Testifying:** PRO: Senator Darneille, prime sponsor; Jane Beyer, DSHS.