

FINAL BILL REPORT

SB 6628

C 318 L 08

Synopsis as Enacted

Brief Description: Clarifying the state's ability to recover from defendants the cost of mental health treatment provided at state hospitals.

Sponsors: Senators Prentice, Fairley and Rasmussen; by request of Department of Social and Health Services.

Senate Committee on Human Services & Corrections

Background: The Department of Social and Health Services (DSHS) provides competency restoration treatment services for criminal defendants with mental illnesses at the two state hospitals. If treatment is not successful, the criminal case must be dismissed. Until a recent court decision, DSHS has sought reimbursement for the cost of competency restoration treatment from all defendants who are able to pay. The federal government requires the state to seek reimbursement from patients for medical services that are provided with federal financial participation. DSHS has claimed federal matching funds for competency restoration treatment.

A recent decision from the Washington Court of Appeals (*Utter v. DSHS*) determined that DSHS does not have the statutory authority to collect reimbursement for competency restoration treatment from defendants who have not been convicted of their crimes. As a result, DSHS has been prevented from attempting to collect reimbursement for this treatment in a large number of cases. DSHS has also determined that it is not able to claim federal matching funds in these cases.

Summary: In order to reverse the findings of the Washington Court of Appeals, the Legislature declares that costs of mental health treatment while the defendant is in the custody of DSHS for competency restoration treatment are not costs of prosecution, but are intended to be subject to full reimbursement from the defendant or the defendant's insurers.

Votes on Final Passage:

Senate	48	0
House	97	0

Effective: April 1, 2008