

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

ADOPTED AS AMENDED 04/09/2011

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 commitment case. Reimbursements under this section shall be paid
26 out of the regional support network's nonmedicaid appropriation.

27 (2) Reimbursement for judicial services shall be provided per
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. For the purposes of this section, a
7 case includes all judicial hearings related to a single episode of
8 hospitalization, or less restrictive alternative detention in lieu of
9 hospitalization, except that the filing of a petition for a one hundred
10 eighty-day commitment under this chapter or a petition for a successive
11 one hundred eighty-day commitment under chapter 71.34 RCW shall be
12 considered to be a new case regardless of whether there has been a
13 break in detention.

14 (3) As used in this section, "judicial services" refers to a
15 county's reasonable direct costs in providing prosecution services,
16 assigned counsel and defense services, court services, and court clerk
17 services for civil commitment cases under this chapter and chapter
18 71.34 RCW. To the extent that resources have shared purpose, the
19 regional support network may only reimburse counties to the extent such
20 resources are necessary for and devoted to judicial services as
21 described in this section.

22 (4) No filing fee may be charged or collected for any civil
23 commitment case subject to reimbursement under this section.

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

26 (1) The joint legislative audit and review committee shall conduct
27 an independent assessment of the direct costs of providing judicial
28 services under this chapter and chapter 71.34 RCW as defined in section
29 2 of this act. This assessment shall be conducted for any county in
30 which more than twenty civil commitment cases were conducted during the
31 year prior to the study. This assessment must be completed by June 1,
32 2012.

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

36 (3) The joint legislative audit and review committee shall present

1 recommendations as to methods for updating the costs identified in the
2 assessment to reflect changes over time.

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

5 A county may apply to its regional support network for
6 reimbursement of its direct costs in providing judicial services for
7 civil commitment cases under this chapter, as provided in section 2 of
8 this act.

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

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

22 **Sec. 6.** RCW 71.34.330 and 1985 c 354 s 23 are each amended to read
23 as follows:

24 Attorneys appointed for minors under this chapter shall be
25 compensated for their services as follows:

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

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

1 **Sec. 7.** RCW 71.05.230 and 2009 c 217 s 2 and 2009 c 293 s 3 are
2 each reenacted and amended to read as follows:

3 A person detained for seventy-two hour evaluation and treatment may
4 be detained for not more than fourteen additional days of involuntary
5 intensive treatment or ninety additional days of a less restrictive
6 alternative to involuntary intensive treatment. (~~There shall be no~~
7 ~~fee for filing petitions for fourteen days of involuntary intensive~~
8 ~~treatment.~~) A petition may only be filed if the following conditions
9 are met:

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

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

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

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

25 (a) Two physicians;

26 (b) One physician and a mental health professional;

27 (c) Two psychiatric advanced registered nurse practitioners;

28 (d) One psychiatric advanced registered nurse practitioner and a
29 mental health professional; or

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

1 appropriate. If an involuntary less restrictive alternative is sought,
2 the petition shall state facts that support the finding that such
3 person, as a result of mental disorder, presents a likelihood of
4 serious harm, or is gravely disabled and shall set forth the less
5 restrictive alternative proposed by the facility; and

6 (5) A copy of the petition has been served on the detained person,
7 his or her attorney and his or her guardian or conservator, if any,
8 prior to the probable cause hearing; and

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

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

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

19 (9) If the hospital or facility designated to provide outpatient
20 treatment is other than the facility providing involuntary treatment,
21 the outpatient facility so designated has agreed to assume such
22 responsibility.

23 NEW SECTION. **Sec. 8.** Except for section 3 of this act, this act
24 takes effect July 1, 2012."

25 Correct the title.

EFFECT: Removes the provisions of the bill requiring the DSHS to develop a process and rate of reimbursement for counties for the costs of judicial services in commitment cases and instead provides that:

(1) A county may apply for reimbursement for its direct costs in providing judicial services for commitment cases from its RSN on a quarterly basis;

(2) The reimbursement per commitment case must be based on an independent assessment of the county's actual direct costs. In counties where there is no significant history, the reimbursement rate must be 80 percent of the median reimbursement rate of counties included in the independent assessment;

(3) The Joint Legislative Audit and Review Committee (JLARC) must conduct an independent assessment of the direct costs of providing judicial services in civil commitment cases for any county in which more than 20 involuntary commitment cases were conducted in the prior year. The JLARC must complete the assessment by June 1, 2012, and recommend a method for updating the costs to reflect changes over time; and

(4) The RSN must pay for reimbursements to counties out of its nonmedicaid appropriation and the RSN may in turn seek reimbursement from the RSN that serves the county of residence of the individual who is the subject of the commitment case.

Removes the sections requiring local maintenance of effort funds devoted to civil commitment judicial services that are reimbursed to be expended for other mental health or chemical dependency treatment purposes.

--- END ---