
Civil Rights & Judiciary Committee

HB 1826

Brief Description: Concerning the disclosure of certain information during the discharge planning process.

Sponsors: Representatives Leavitt, Kilduff and Morgan.

Brief Summary of Bill

- Requires the Department to disclose publicly accessible and relevant criminal history for certain persons during the discharge planning process.

Hearing Date: 2/13/19

Staff: Ingrid Lewis (786-7289).

Background:

Western State Hospital (WSH) and Eastern State Hospital (ESH) are adult psychiatric hospitals that provide involuntary inpatient treatment for persons with mental disorders who are committed by civil and criminal courts. The hospitals are operated by the Department of Social and Health Services.

A behavioral health organization (BHO) oversees the delivery of behavioral health services for adults and children, administers community-based commitments and services under the Involuntary Treatment Act, and contracts with local providers to provide behavioral health services. A BHO may be a county, group of counties, or a nonprofit entity. All BHOs must be integrated into Medicaid managed care organizations by April 2020.

When it has been determined by the superintendent or professional person in charge at the WSH or the ESH that a person who was involuntarily committed for 90 or 180 days no longer requires active psychiatric treatment at an inpatient level of care, the hospital is required to collaborate with the BHO, fully integrated entity, or agency providing oversight of services responsible for

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.

the person in the development of an individualized discharge plan to transition the person into the community within 14 days of a determination.

A person may be discharged to various less restrictive placements, including but not limited to adult family homes, enhanced services facilities, and other types of community-based facilities.

Relevant Terms and Provisions.

"History of one or more violent acts" refers to the period of time 10 years prior to the filing of a petition for commitment, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

"Violent act" is defined as behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

A person who has had felony charges dismissed due to incompetency may be committed for a period of up to 180 days if a petitioner can prove by clear, cogent, and convincing evidence that the person has committed acts constituting a felony and, as a result of a mental disorder, the person presents a substantial likelihood of repeating similar acts. If the grounds for commitment have been proven, but treatment less restrictive than detention will be in the best interest of the person or others, the court may order a less restrictive alternative placement for the term of commitment.

Summary of Bill:

The department is required to disclose to the behavioral health organization, fully integrated entity, managed care entity, administrative service organization, or agency providing oversight of services, any publicly accessible forensic reports or assessments and relevant criminal history of the following persons referred for discharge:

- a person who has a "history of one or more violent acts" as defined in statute;
- a person who is civilly committed under the Involuntary Treatment Act where the charge underlying the finding of incompetence is for a violent felony as defined in statute; and
- a person who has been convicted of a serious violent offense or sex offense, as defined in statute.

Appropriation: None.

Fiscal Note: Requested on February 6, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.