

Involuntary Treatment Act Court Funding

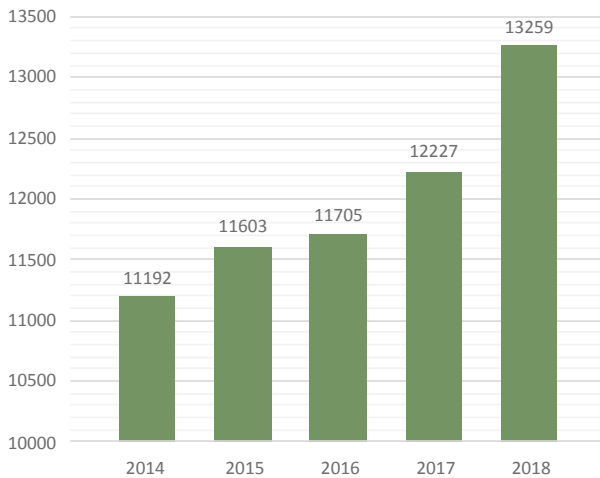


Washington State’s Involuntary Treatment Act (ITA)

Washington State’s Involuntary Treatment Act (ITA) allows the courts to commit individuals to a free-standing behavioral health Evaluation and Treatment (E&T) facility or psychiatric hospital against their will for a limited time period. These involuntary civil commitments are meant to provide for the evaluation and treatment of individuals with a mental or substance use disorder who may be gravely disabled or pose a danger to themselves or others, and who refused or are unable to enter treatment on their own.

The result is that counties and BHASOs continue to fully fund ITA courts and related services even though ITA court costs continue to represent an increasing percentage of a county’s overall state non-Medicaid funding, thereby reducing the money available for critical behavioral health services. Further exacerbating the funding problem is the fact that there is no cap on what ITA courts are permitted to charge counties and BHASOs - costs that vary greatly across the state.

Statewide ITA Court Cases Annually



There is an emergent statewide need for increased non-Medicaid funding. The un-braiding of Medicaid and non-Medicaid funding as a result of the state moving to integrated managed care for behavioral health has exposed the significant shortfall in non-Medicaid funding allocated to BHASOs to fund the ever increasing ITA costs as well as all other essential behavioral health programs and services, including crisis and diversion. Additionally, this state non-Medicaid allocation has been further reduced because the state shifted 30% of these funds away from BHASOs over to the Managed Care Organizations. The end result is that ITA costs are being paid for, but to the detriment of other essential non-Medicaid behavioral health services, which counties and BHASOs have no choice but to reduce or eliminate.

In 2011, the State (via SSB 5531) created a process by which the courts either directly bill the counties for ITA court costs and related services for which the counties are then reimbursed or, by way of an Memorandum of Understanding with a Behavioral Health Administrative Service Organization (BHASO) (previously RSN and BHO), directly bill a BHASO for those costs. These costs are ultimately paid for out of the BHASO’s non-Medicaid pool of funds.

However, since 2011, the number of both ITA courts and ITA cases have significantly increased, while the amount of state non-Medicaid funds available to counties and BHASOs has greatly decreased.

Specific focus for Counties and BHASOs this session:

- Create a separate account for ITA court costs to allow for better accounting and budgeting.
- Establish a workgroup to study JLARC recommendations from 2012 related to implementing a statewide fee schedule for ITA courts to use to establish their rates.



ITA Cases by County by Year

	2014	2015	2016	2017	2018
Adams	2	4	0	0	0
Asotin	20	13	12	11	21
Columbia	0	0	0	0	0
Garfield	0	0	2	0	1
Benton	342	303	336	317	309
Franklin	74	50	51	67	77
Chelan	105	226	155	105	161
Clallam	58	89	150	99	134
Clark	249	173	220	190	258
Cowlitz	316	309	282	212	174
Douglas	0	0	0	0	0
Ferry	0	0	0	0	0
Pend Oreille	0	0	0	0	0
Stevens	1	0	2	68	245
Grant	0	0	2	1	4
Grays Harbor	1	0	0	2	4
Island	46	9	5	0	4
Jefferson	24	15	13	4	2
King	3,852	4,004	4,152	4,694	4,559
Kitsap	302	269	241	197	259
Kittitas	2	0	0	0	0
Klickitat	0	1	2	0	1
Skamania	0	0	0	1	0
Lewis	28	2	3	8	330
Lincoln	0	0	0	1	1
Mason	0	1	0	0	2
Okanogan	68	43	41	1	0
Pacific	2	0	3	2	2
Wahkiakum	0	0	0	0	0
Pierce	1,207	1,642	1,357	1,486	1,416
San Juan	1	1	0	0	0
Skagit	187	306	504	473	529
Snohomish	815	1,025	1,165	1,285	1,596
Spokane	1,721	1,456	1,381	1,456	1,531
Thurston	457	343	444	440	553
Walla Walla	11	2	2	3	2
Whatcom	431	316	263	245	226
Whitman	3	3	4	3	9
Yakima	867	998	913	856	849
Statewide Total:	11192	11603	11705	12227	13259