

Involuntary Treatment Act Judicial Services

Engrossed Substitute Senate Bill 5693; Section 215(7)(d); Chapter 297; Laws of 2022
December 1, 2023

Executive summary

As directed in Senate Bill 5693, this report contains the results of the Health Care Authority's (HCA) compilation of the court costs reported by BH-ASOs (behavioral health administrative service organizations) that were paid to counties for involuntary treatment act judicial services. The statute reads:

(d) The authority must require behavioral health administrative service organizations to submit information related to reimbursements to counties made for involuntary treatment act judicial services and submit a report to the office of financial management and the appropriate committees of the legislature with complete fiscal year 2022 reimbursements by December 1, 2022.

A total of \$18,761,124 was reported as spent on court costs reimbursement to the counties.

BH-ASOs reported a total of 9,130 hearing events for state fiscal year 2022.

Report highlights

- All 10 regions reported expenditures for court costs, with the King County region reporting the highest level of expenditures.
- The Spokane region reported the highest level of hearing events with 3,220, reporting 35.3 percent of the hearings conducted for ITAs in the state.
- King County region reported 30 percent of the total hearings, which was total of 2,551.
- Hearings have decreased from fiscal year 2020 and 2021 by 3,760 and 3,238 respectively.

Background

BH-ASOs are entities selected by HCA to administer behavioral health programs, including crisis services and ombuds for Individuals in a defined regional service area, regardless of an Individual's ability to pay, including Medicaid eligible members.

HCA requires the BH-ASOs to provide revenue and expenditure reports on a quarterly basis for funding received for services to individuals in the state who may or may not be enrolled in Medicaid.

BH-ASOs are required to prioritize state funds for crisis services, evaluation and treatment services for individual's ineligible for Medicaid, and services related to the administration of Chapters [71.05](#) and [71.34](#) RCW. Available resources are then to be used to cover voluntary inpatient, crisis stabilization services, and the behavioral services listed in contract for the priority populations defined per the contract.

Involuntary Treatment Act (ITA) services include all services and administrative functions required for the evaluation of involuntary detention or involuntary treatment of Individuals in accordance with Chapters [71.05](#) and [71.34](#) RCW, and RCW [71.24.300](#). Requirements include payment for all services ordered by the court for individuals ineligible for Medicaid, and costs related to court processes and transportation.

Crisis services become ITA services when a designated crisis responder (DCR) determines an individual must be evaluated for involuntary treatment. ITA services continue until the end of the involuntary commitment and may be outpatient or inpatient.

ITA laws allow for individuals to be committed by court order to a facility for a limited period of time. Involuntary civil commitments are meant to provide for the evaluation and treatment of individuals with a behavioral health disorder and who may be either gravely disabled or pose a danger to themselves or others, and who refuse or are unable to enter treatment on their own. An initial commitment may last up to 72 hours, but, if necessary, individuals can be committed for additional periods of 14, 90, and 180 calendar days of inpatient involuntary treatment or outpatient involuntary treatment (RCWs [71.05.180](#), [71.05.230](#), and [71.05.290](#)).

A county may apply to its BH-ASO on a quarterly basis for reimbursement of its direct costs in providing judicial services for civil commitment cases under RCW [71.05.730](#) and Chapter [71.34](#) RCW. The behavioral health administrative services organization shall in turn be entitled to reimbursement from the behavioral health administrative services organization that serves the county of residence of the individual who is the subject of the civil commitment case.

Revenue and expenditure instructions

County court costs (mental health) – administrative services organization (ASO)

Costs of court proceedings related to involuntary commitments (Chapters 71.05 and 71.34 RCW). These are the fees paid to the counties to cover the cost of judges, prosecutors, and other related court expenses.

Table 1: Revenue and expenditure amounts

Reported amounts for State Fiscal Year 2022.

Mental Health											
Required services – not subject to availability of funding											
Crisis and Involuntary Treatment Act services											
Region	Greater Columbia	Great Rivers	King	North Central	North Sound	Pierce	Salish	Southwest	Spokane	Thurston Mason	Total
County court costs	\$1,316,948	\$538,124	\$6,642,457	\$229,256	\$2,513,245	\$2,750,356	\$177,988	\$451,390	\$2,271,557	\$1,314,061	\$18,205,402
Substance Use Disorder											
Required services – not subject to availability of funding											
County court costs		\$209,491									\$209,491
Juvenile drug costs		\$137,025	\$40,908		\$127,083			\$41,215			\$346,231

Table 2: Calculated amounts for State Fiscal Year 2019 through 2021

	SFY 2019			SFY 2020				SFY 2021			
	County court	County court (SUD)	Org total	County court	County court (SUD)	Org total	Change from prior year	County court	County court SUD	Org total	Change from prior year
Organization											
Great Rivers				\$95,748		\$95,748	100%	\$684,221	\$74,390	\$758,611	692%
Greater Columbia	\$517,870		\$517,870	\$1,697,944		\$1,697,944	228%	\$1,528,833		\$1,528,833	-10%
King	\$2,948,181		\$2,948,181	\$12,501,040		\$12,501,041	324%	\$12,614,094		\$12,614,094	1%
Beacon – North Central				\$284,013		\$284,013	100%	\$130,767		\$130,767	-54%
North Sound				\$1,949,912		\$1,949,913	100%	\$2,131,653		\$2,131,653	9%
Beacon – Pierce				\$138,716		\$138,716	100%	\$3,156,028		\$3,156,028	2175%
Salish				\$27,574		\$27,574	100%	\$46,416		\$46,416	68%
Beacon – Southwest						\$0	100%	\$408,577		\$408,577	
Spokane	\$126,000		\$126,000	\$852,388		\$852,388	576%	\$908,141		\$908,141	7%
Thurston Mason				\$275,899		\$275,900	100%	\$1,525,594		\$1,525,594	453%
TOTAL	\$3,592,051		\$3,592,051	\$17,823,237		\$17,823,237	396%	\$23,134,324	\$74,390	\$23,208,714	23%
Minus King County			\$643,870			\$5,322,196				\$10,594,620	50%
King County % of total			82%			70%				54%	

Table 3: Region metrics

SFY2022 event counts	Investigation	Investigation % of total	Detention	Detention % of investigation	Detention % of total	Hearing	Hearing percentage	Hearing % of total	Hearing cost	Cost per hearing
Great Rivers	1,290	6.9%	576	44.7%	5.7%	490	85.1%	5.4%	\$538,124	\$1,098
Greater Columbia	854	4.6%	827	96.8%	8.3%	831	100.5%	9.1%	\$1,663,464	\$2,002
King	4,224	22.7%	2,837	67.2%	28.3%	2,551	89.9%	27.9%	\$6,683,365	\$2,062
North Central	110	0.6%	64	58.2%	0.6%	0	0.0%	0.0%	\$229,256	N/A
North Sound	3,819	20.5%	1,612	42.2%	16.1%	529	32.8%	5.8%	\$2,640,328	\$4,991
Pierce	1,609	8.6%	42.2%	42.4%	6.8%	722	105.7%	7.9%	\$2,750,356	\$3,809
Salish	898	4.8%	16.1%	43.9%	3.9%	303	76.9%	3.3%	\$177,988	\$587
Southwest	443	2.4%	529	53.5%	2.4%	18	7.6%	0.2%	\$492,605	\$27,367
Spokane	3,413	18.3%	32.8%	62.7%	21.3%	3,220	150.5%	35.3%	\$2,271,577	\$705
Thurston Mason	1,978	10.6%	5.8%	33.0%	6.5%	466	71.5%	5.1%	\$1,314,061	\$2,820
Statewide total	18,638		2,640,328	53.8%		9,130	91.1%		\$18,761,124	\$2,055

Table 4: Investigation by outcome

Statewide investigation Outcome by event		Year					State Fiscal Year			
		2022	2021	2020	2019	2023	2022	2021	2020	2019
		N	N	N	N	N	N	N	N	N
Detentions and commitments	Initial detention to mental health facility	5,264	10,801	12,502	12,009	999	8,617	12,647	12,813	5,500
	Non-emergent detention petition filed	144	350	346	369	13	280	373	348	195
	Referred for hold under RCW 71.05	.	65	124	84	.	2	134	116	21
	Petition filed for mental health outpatient evaluation	3	2	2	.	1	3	3	.	.
	Returned to inpatient facility/filed revocation	434	1,046	1,296	1,295	81	739	1,368	1,262	621
	Initial detention to secure detox facility	210	626	653	539	35	383	754	646	210
	Subtotal	6,055	12,890	14,923	14,296	1,129	10,024	15,279	15,185	6,547
Voluntary mental health treatment	Referred to voluntary outpatient mental health services	1,656	3,852	4,599	5,096	271	2,936	4,503	5,047	2,446

	Referred to voluntary inpatient mental health services	442	986	1,342	1,314	72	720	1,337	1,340	615
	Subtotal	2,098	4,838	5,941	6,410	343	3,656	5,840	6,387	3,061
No detention due to issues	ET acceptance not within timeframes	159	311	278	295	30	245	317	320	131
	Unresolved medical issues	190	272	149	103	31	302	232	125	24
	SDx acceptance not within timeframes	39	68	36	34	5	54	65	35	18
	Subtotal	388	651	463	432	66	601	614	480	173
Less restrictive options – SUD	Referred to acute detox	15	32	27	28	5	25	29	28	15
	Referred to sub-acute detox	15	19	22	22	1	20	24	23	10
	Referred to sobering unit	3	13	16	14	1	5	19	17	4
	Referred to crisis triage	118	256	297	257	15	210	279	287	137
	Referred to SUD intensive outpatient program	37	86	120	64	8	67	109	99	24
	Referred to SUD inpatient program	23	62	53	53	7	39	68	58	19
	Referred to SUD residential program	3	18	14	9	.	8	21	12	3
	Subtotal	214	486	549	447	37	374	549	524	212
Less restrictive options – mental health	Did not require mental health or SUD services	767	1,724	2,060	1,940	152	1,277	2,147	1,884	1,031
	Filed petition recommending assisted outpatient treatment extension	19	20	.	5	6	31	2	.	5
	Filed petition recommending less restrictive alternative extension	50	140	166	172	4	111	158	181	74
	Subtotal	836	1,884	2,226	2,117	162	1,419	2,307	2,065	1,110
Other	Referred to non-mental health community resources	129	310	518	676	31	205	444	620	333
	Other	1,335	2,677	2,678	2,789	225	2,359	2,763	2,858	1,274
	Subtotal	1,464	2,987	3,196	3,465	256	2,564	3,207	3,478	1,607
Total		11,055	23,736	27,298	27,167	1,993	18,638	27,796	28,119	12,710

Key findings

Overall statewide hearing costs have decreased during fiscal year 2022, which is expected, due to the significant decreases in metrics related to involuntary treatment.

BH-ASOs have indicated that the cost per case continues to rise, citing additional facilities placed in the regions as the largest driver of the increase.

BH-ASOs have requested that standarization between counties be considered when discussing cost reimbursement.

RCWs pertaining to BH-ASO court cost payment

RCW 71.05.730

Judicial services—Civil commitment cases—Reimbursement

[Link to RCW 71.05.730](#)

(1) A county may apply to its behavioral health administrative services organization on a quarterly basis for reimbursement of its direct costs in providing judicial services for civil commitment cases under this chapter and chapter [71.34](#) RCW. The behavioral health administrative services organization shall in turn be entitled to reimbursement from the behavioral health administrative services organization that serves the county of residence of the individual who is the subject of the civil commitment case.

(2) Reimbursement for judicial services shall be provided per civil commitment case at a rate to be determined based on an independent assessment of the county's actual direct costs. This assessment must be based on an average of the expenditures for judicial services within the county over the past three years. In the event that a baseline cannot be established because there is no significant history of similar cases within the county, the reimbursement rate shall be equal to eighty percent of the median reimbursement rate of counties included in the independent assessment.

(3) For the purposes of this section:

(a) "Civil commitment case" includes all judicial hearings related to a single episode of hospitalization or less restrictive alternative treatment, except that the filing of a petition for a one hundred eighty-day commitment under this chapter or a petition for a successive one hundred eighty-day commitment under chapter [71.34](#) RCW shall be considered to be a new case regardless of whether there has been a break in detention. "Civil commitment case" does not include the filing of a petition for a one hundred eighty-day commitment under this chapter on behalf of a patient at a state psychiatric hospital.

(b) "Judicial services" means a county's reasonable direct costs in providing prosecutor services, assigned counsel and defense services, court services, and court clerk services for civil commitment cases under this chapter and chapter [71.34](#) RCW.

(4) To the extent that resources have a shared purpose, the behavioral health administrative services organization may only reimburse counties to the extent such resources are necessary for and devoted to judicial services as described in this section.

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

[[2019 c 325 § 3011](#); [2015 c 250 § 15](#); (2015 c 250 § 14 expired April 1, 2016); [2014 c 225 § 87](#); [2011 c 343 § 2](#).]

NOTES:

Effective date—2019 c 325: See note following RCW [71.24.011](#).

Effective date—2015 c 250 §§ 2, 15, and 19: See note following RCW [71.05.020](#).

Expiration date—2015 c 250 §§ 1, 14, and 18: See note following RCW [71.05.020](#).

Effective date—2014 c 225: See note following RCW [71.24.016](#).

Intent—2011 c 343: "The legislature recognizes that counties that host evaluation and treatment beds incur costs by providing judicial services associated with civil commitments under chapters [71.05](#) and [71.34](#) RCW. Because evaluation and treatment beds are not evenly distributed across the state, these commitments frequently occur in a different county from the county in which the person was originally detained. The intent of this act is to create a process for the state to reimburse counties through the regional support networks for the counties' reasonable direct costs incurred in providing these judicial services, and to prevent the burden of these costs from falling disproportionately on the counties or regional support networks in which the commitments are most likely to occur. The legislature recognizes that the costs of judicial services may vary across the state based on different factors and conditions." [[2011 c 343 § 1](#).]

Effective date—2011 c 343: "Except for section 3 of this act, this act takes effect July 1, 2012." [[2011 c 343 § 10](#).]

RCW 71.34.415

Judicial services—Civil commitment cases—Reimbursement

[Link to RCW 71.34.415](#)

A county may apply to its behavioral health administrative services organization for reimbursement of its direct costs in providing judicial services for civil commitment cases under this chapter, as provided in RCW [71.05.730](#).

NOTES:

Effective date—2019 c 325: See note following RCW [71.24.011](#).

Effective date—2014 c 225: See note following RCW [71.24.016](#).

Intent—Effective date—2011 c 343: See notes following RCW [71.05.730](#).