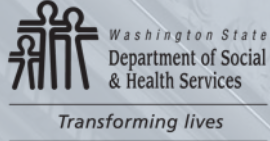
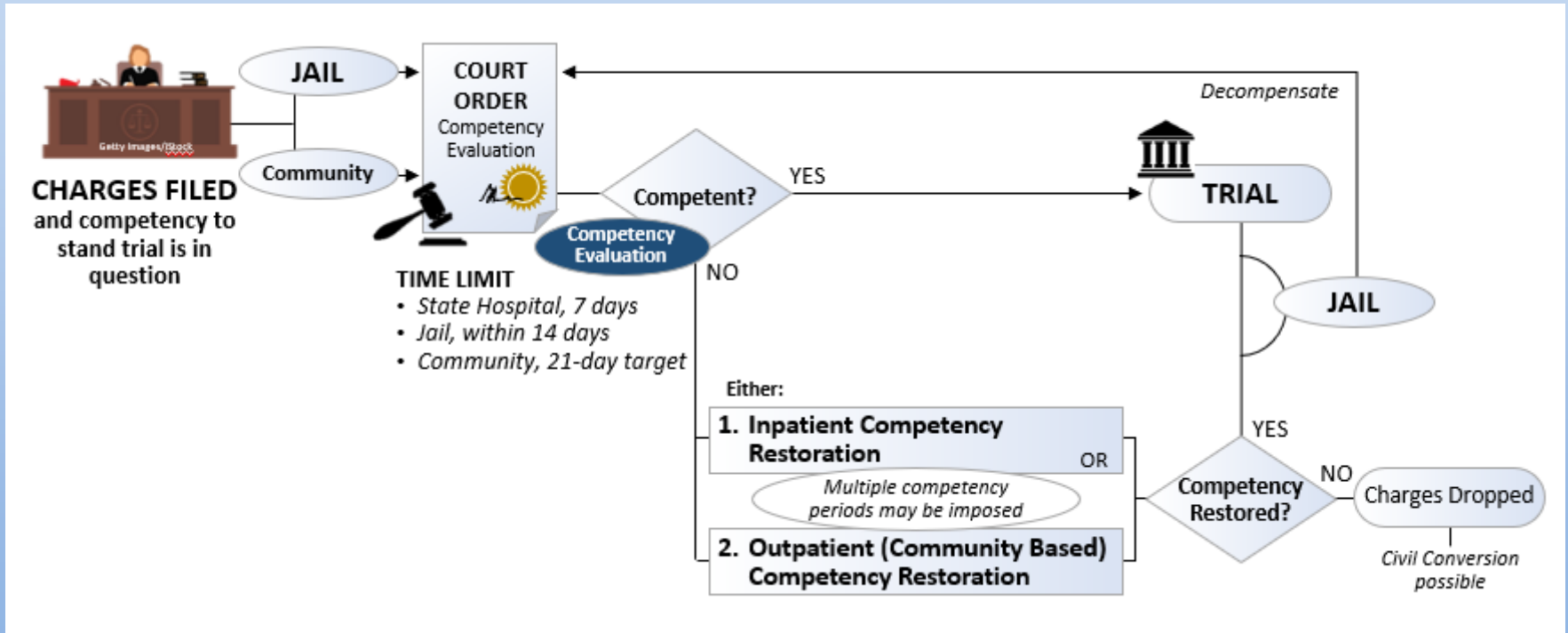


# Ways & Means Committee 2023 Trueblood Update



# Competency Evaluation/Restoration Pathway



Legal Authority: Revised Code of Washington 10.77.

# Trueblood Elements

- Forensic Navigators
- Enhanced Peer Support
- Outpatient Competency Restoration
- Forensic HARPS (FHARPS)
- Crisis Housing Vouchers
- Forensic PATH (FPATH)
- Crisis Bed Capacity
- Crisis Service Enhancements
- Ramp Down of the Maple Lane Competency Restoration RTF
- Crisis Intervention Training
- Technical Assistance to Jails
- Workforce Development

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# Court Orders

- Remain in the compliance phase
- On July 7, 2023, Judge Pechman found the State in breach of the contempt settlement agreement, and in further contempt of the court's orders.
  - DSHS was ordered to pay over \$100m in contempt fines
  - The court entered a moratorium on admission of non-violent civil conversion patients for treatment in state hospitals.
- On Sept. 6, 2023, DSHS was prohibited from claiming any “Good Cause Extension” unless DSHS complied with all the requirements of the permanent injunction.

# Court Orders Cont.

- In August, the order was modified to include:
  1. allowing admission to state hospitals of civil conversion patients alleged to have committed **violent** offenses and admission of other patients;
  2. allowing civil conversion patients in state hospitals to be moved to non-forensic beds rather than transferred out of state hospitals; and
  3. specifying that the order's discharge/bed transfer mandate is a one-time process to be completed by Sept. 5 before fines accrue.
- Order maintains the moratorium on admission of non-violent civil conversion patients for treatment in state hospitals.
- DSHS has appealed both orders, pending in the Ninth Circuit

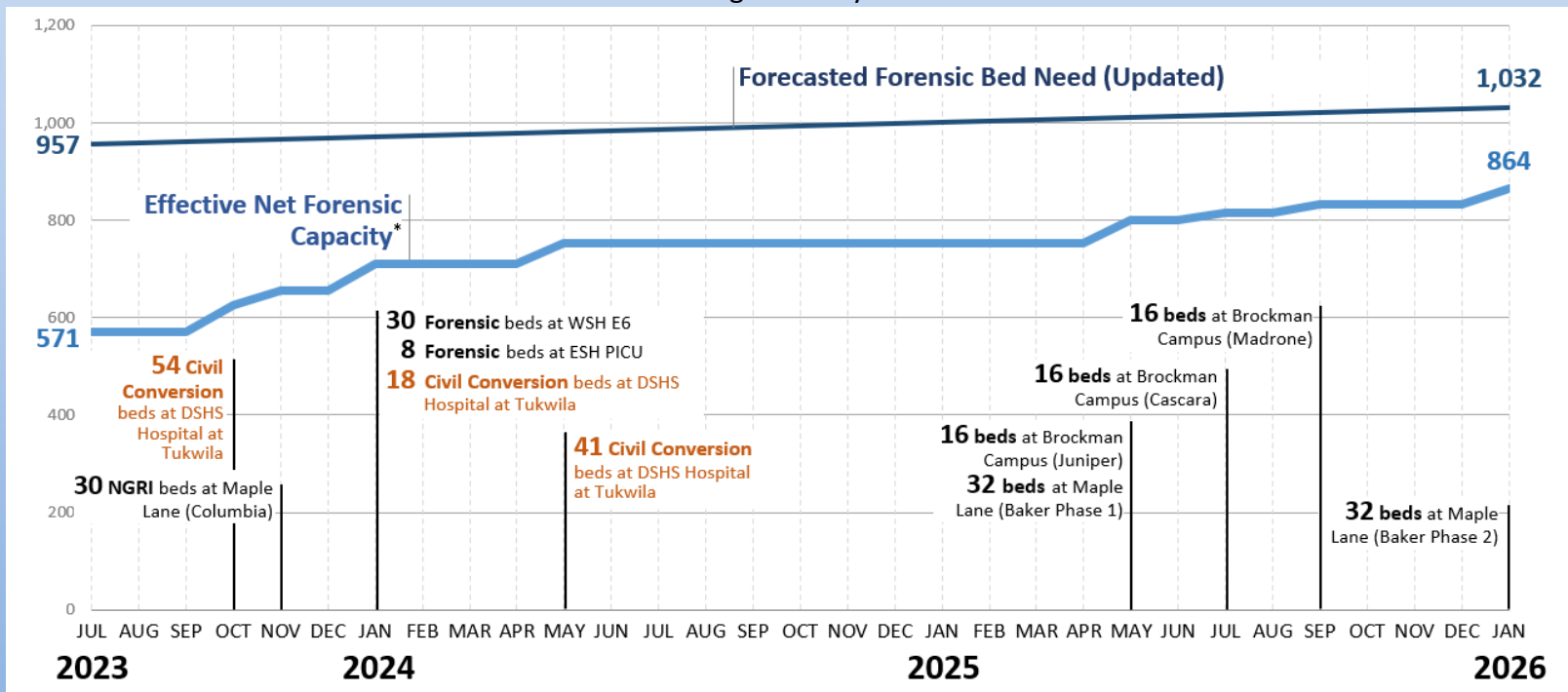
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# Payment of Fines

- DSHS requested the court to allow payment of the \$100 million in contempt fines in April 2024. There was no opposition from Plaintiffs and DSHS's motion is pending the court's decision. The DSHS agency budget includes this request.
- The August order specifies that payment of additional per diem fines begin after Sept. 5, 2023, for civil patients not transferred out of forensic beds. DSHS is working on calculating any fines owed to the court.

# Closing the Forensic Bed Gap

Through January 2026



\*Net of projected civil conversion patients in forensic beds. Net capacity in July 2023 of 571 reflects 92 civil conversion patients residing among the 663 available forensic beds as of July 24, 2023. Modeling assumes that additional civil conversion capacity in community settings would allow civil capacity at WSH to be converted to forensic capacity if the census of civil conversion patients in forensic beds declines to zero.

Note: A new Forensic Hospital will add 350 beds in 2028

# HCA Trueblood Investments: 2019 - Present

- FPATH \$14,442,000
  - FHARPS/Crisis Housing Vouchers \$24,226,000
  - OCRP \$9,487,000
  - Enhanced Peer Services \$1,200,000
  - Crisis Enhancements \$4,481,000
  - Increased Bed Capacity (HCA) \$3,999,000 (ramp up/operating)
  - Department of Commerce Capital funds \$14,000,000
  - Misdemeanor Diversion \$15,300,000
  - Trueblood Diversion Program \$10,000,000
  - Global Leasing Program \$490,000
- Total Investments - \$96,503,000**



# HCA Trueblood Programs

- Forensic PATH (FPATH)
- Forensic HARPS (FHARPS)
  - Crisis Housing Vouchers
- Outpatient Competency Restoration (OCRP)
- Enhanced Peer Support
- Crisis Enhancement funds
- Increased Crisis Bed Capacity
- Misdemeanor Diversion Funds
- Trueblood Diversion Programs
- Global (Master) Leasing

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# HCA Trueblood Programs Served:

**Forensic PATH** programs have enrolled and served almost 400 participants.

**Forensic HARPS** programs have enrolled and housed over 800 participants

**Crisis Housing Vouchers** have provided temporary housing to more than 300 people who experienced a behavioral health crisis and were experiencing homelessness.

**OCRCP** has enrolled and provided out-of-custody restoration services for **99 people**.

As of 2022, Washington's OCRCP was in line with national averages for the number of people served in a new out-of-custody restoration program.

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# Community Behavioral Health Investments

- Strengthening the crisis response system
- Strong community-based outpatient services

A community behavioral health system that is well connected between crisis system and outpatient services, supports peoples needs early, and effectively manages crisis.

This connection helps to keep people out of the criminal legal system.

# DSHS Investments: Bed Capacity Projects

Description	Number of Beds	Construction Start Date	Targeted Construction Completion Date	First Patient Date	Total Project Cost	Program Offering
16-Bed Community Residential Treatment Facility	16	Sep-21	Nov-22	Mar-23	\$ 20,190,000.00	Civil/Civil Conversion
Western State Hospital-Forensic Services: Two Wards Addition (Wards F9 & F10)	58	Aug-20	Mar-23	Apr-23	\$ 30,094,150.00	Forensic/Comp Res
<b>NEW BED CAPACTIY, SUBTOTAL</b>	<b>74</b>				<b>\$ 50,284,150.00</b>	
Olympic Heritage Behavioral Health - Wards 2W and 3W	54	Sep-23	Oct-23	Oct-23	\$ 1,200,000.00	Civil/Civil Conversion
Maple Lane - Columbia Cottage	30	Sep-22	Oct-23	Nov-23	\$ 5,000,000.00	NGRI
Olympic Heritage Behavioral Health - Wards 2N	18	Sep-23	Jan-24	Jan-24	\$ 600,000.00	Civil/Civil Conversion
Olympic Heritage Behavioral Health - Wards 3N and 4W	41	Oct-23	May-24	May-24	\$ 1,200,000.00	Civil/Civil Conversion
Maple Lane - Baker Living Unit - Supplemental Budget Funding (revised)	32	Sep-24	Jan-25	May-25	\$ 800,000.00	Civil/Civil Conversion
Brockmann Campus - Living Unit A	16	Apr-23	Feb-25	May-25	\$ 26,309,666.67	Civil/Civil Conversion
Brockmann Campus - Living Unit B	16	Apr-23	Mar-25	Jul-25	\$ 26,309,666.67	Civil/Civil Conversion
Brockmann Campus - Living Unit C	16	Apr-23	Apr-25	Sep-25	\$ 26,309,666.67	Civil/Civil Conversion
Maple Lane - Chelan Living Unit	32	Sep-24	Mar-25	Sep-25	\$ 2,200,000.00	Civil/Civil Conversion
Maple Lane - Baker Living Unit - Full Remodel		Sep-25	Nov-25	Feb-26	\$ 3,000,000.00	Civil/Civil Conversion
Maple Lane - Olympic Cottage	24	Apr-25	Dec-25	Oct-26	\$ 2,500,000.00	Civil/Civil Conversion
Maple Lane - Pacific Cottage	24	Apr-25	Dec-25	Dec-26	\$ 2,500,000.00	Civil/Civil Conversion
Maple Lane - Rainer Cottage	24	Apr-25	Dec-25	Feb-27	\$ 2,500,000.00	Civil/Civil Conversion
Snohomish County - Secured Community Transitional Facility	16	Jul-26	Oct-26	Mar-27	\$ 6,000,000.00	SVP
Fircrest School - 120 Bed Nursing Faciltiy	10	Nov-24	Nov-26	Mar-27	\$ 188,181,000.00	DDA
Statewide - Center for Youth Housing	20	Dec-25	Mar-27	Jun-27	\$ 350,000.00	Youth HMH
Western State Hospital-350 Bed Forensic Hospital	350	May-23	Oct-27	May-28	\$ 947,000,000.00	Forensic/Comp Res
<b>FUTURE BED CAPACTIY, SUBTOTAL</b>	<b>723</b>				<b>\$ 1,241,960,000.00</b>	
<b>GRAND TOTAL</b>	<b>797</b>				<b>\$ 1,292,244,150.00</b>	

Notes: Includes all capital bed projects  
 Project costs do not include Olympic Heritage purchase: \$29.9 M

Washington State Department of Social and Health Services • Washington State Health Care Authority • Washington Criminal Justice Training Commission

# DSHS Trueblood Settlement Investments: 2019 - Present

- Forensic Navigators \$11,804,000
- OFMHS Support Staff \$5,842,000
- Technical Assistance to Jails \$622,000
- Workforce Development \$644,000

**Total - \$18,912,000**

**Note: DSHS total doesn't include expansion of the statewide forensic evaluator program or bed capacity investments (capital and operating).**

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# Addressing DSHS Challenges

- In December 2022, DSHS started to limit civil admissions to preserve some treatment beds for Trueblood class members.
- The federal court ordered further restrictions to civil admissions in the July 7<sup>th</sup> order.
- This order gives greater prioritization of Trueblood class members waiting for state hospital inpatient restoration services.
- DSHS continues to explore and bring on-line additional bed capacity to serve both civil and forensic patients.
- DSHS continues to aggressively recruit to be able to operate all beds available to it.

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# HCA Workforce Response

- Increasing financial resources to providers through direct payments and rate increases to assist with recruitment and retention efforts
- Statewide careers marketing campaign [www.startyourpath.org](http://www.startyourpath.org)

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# Phase 3 lookback and expanded geographic regions

## Lookback to Phases 1 & 2

Additional staff positions were added to all Phase 1 & 2 FHARPS and FPATH programs in the SFY24 contract amendments thanks to additional funding from the Legislature.

Through the 2022 Decision Package process HCA requested and was provided funding to add ARNP positions in all the Trueblood Phased regions. These positions will work closely with the FHARPS and FPATH teams to identify and refer participants who are not receiving medication management services. The ARNP may begin providing services prior to release from jail.

## Geographic Expansion

In 2022, HCA, DSHS, and DRW agreed to expand Trueblood Settlement Agreement programs and services to the Thurston/Mason and Salish regions. Conversations with the behavioral health service providers and regional leadership from the BHASO/MCOs have been underway for several months.



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# Lessons Learned

- Importance of robust communication and outreach to criminal court and legal partners
- Residential supports are needed, but difficult to access.
  - Phase 1 & 2 programs continue to rely largely on emergency housing placements intended for short-term use.
  - Housing has been difficult to secure.
  - Plaintiffs believe that housing continues to be the most significant challenge to ensuring the Settlement Agreement programs are successful.
- Workforce availability continues to be a significant challenge

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# Litigation Filed by Counties

- 22 counties and the WA Association of Counties
- Active litigation
- Case was remanded to Pierce County Superior Court
- Court will consider whether to issue preliminary injunction on October 6<sup>th</sup>

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# Olympic Heritage Behavioral Health

- DSHS entered a lease to purchase agreement and took possession of the facility on August 14<sup>th</sup>
- First patients transferred from WSH on Oct. 2<sup>nd</sup>
- DSHS expects to operationalize 72 beds by January 2024 and an additional 24 beds by May 2024

# Trueblood Budget - DSHS

## Decision packages supporting the July 7 court order:

- Trueblood Judgement: \$100,318,000 requested to pay contempt fines
- Olympic Heritage Behavioral Health: \$250,026,000 requested for the lease-to-purchase, capital improvements, and operation of the facility
- Forensic Bed Capacity Expansion: Placeholder for development of comprehensive plan. Request will include funding to open 30 beds at WSH and 8 beds at ESH in January 2024.

## Maintenance-level decision package to pay for TB Outpatient Fines

- Trueblood Lawsuit Fines: \$14,099,000 requested to pay outpatient contempt fines, plaintiff attorney fees, and other county sanctions.

# Questions?

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