



Information-Sharing and Medicaid Reinstatement for Individuals Released from Confinement

Proposed Final Report

Joint Legislative Audit & Review Committee

May 19, 2010

Cynthia L. Forland, JLARC Staff



Study Mandated by 2009-11 Biennial Operating Budget

M
A
N
D
A
T
E

- Review the status of implementation of four specific bills related to two topics:
 1. **Increasing information-sharing** between the criminal justice and behavioral health systems (E2SSB 6358 (2004) and E2SSB 5763 (2005)); and
 2. **Reinstating Medicaid** coverage for adults with a mental illness, and juveniles, upon their release from correctional or therapeutic confinement (E2SHB 1290 (2005) and 2SHB 1088 (2007))



1 Information-Sharing

Legislators Expressed Concerns



1 Information-Sharing

- Gaps in information-sharing between the criminal justice and behavioral health (mental health and chemical dependency treatment) systems
- Could allow offenders with mental illness to fall through the cracks, and
- Could then allow the systems to miss opportunities to prevent future crimes.

Legislature Acted in 2004 and 2005



1 Information-Sharing

Increase information-sharing between the two systems through specific directives to:

Criminal Justice:

- Department of Corrections
- DOC's Community Corrections Officers
- Local courts and jails
- Offenders

Behavioral Health:

- Department of Social and Health Services
- DSHS' State Psychiatric Hospitals
- Designated Mental Health Professionals
- Designated Chemical Dependency Specialists
- Behavioral Health Treatment Providers

Status of Implementation: Largely Unknown



1 Information-Sharing

		Who is responsible?	Implementation Status of Provisions in Law			Total
			Unknown	Yes	No	
Criminal Justice	State Agency	DOC	5	0	0	5
		Community Corrections Officers	1	0	0	1
	Locals	Courts	2	0	1	3
		Jails	2	0	0	2
	Individuals	Offenders	3	0	0	3
Behavioral Health	State Agency	DSHS	0	2	1	3
		State Psychiatric Hospitals	2	0	0	2
	Locals	DMHPs/DCDSs	6	0	0	6
	Individuals	Behavioral Health Treatment Providers	9	2	0	11
	State Agencies	DOC/DSHS	0	2	0	2
		Not stated	0	1	0	1
		Totals	30	7	2	39

Source: JLARC analysis of state law and agency documents.

Asked Five Agencies to Respond to Recommendations



- Department of Corrections (DOC)
- Administrative Office of the Courts (AOC)
- Department of Social and Health Services (DSHS)
- Washington Association of Sheriffs and Police Chiefs (WASPC)
- Office of Financial Management (OFM)

Recommendation To Legislature



1 Information-Sharing

If the Legislature would like further information on whether information-sharing provisions are being fully implemented, it should **enact new legislation with specific reporting requirements** for those state agencies, other entities, and individuals required to perform functions under these provisions of law.

WASPC partially concurred—expressed concerns about jail requirement.

Recommendation To Legislature



1 Information-Sharing

If the Legislature would like information relating to the impact of information-sharing provisions, it should **commission a longitudinal study to assess outcomes** for individuals involved in both the criminal justice and behavioral health systems.

WASPC concurred.

Recommendation To DSHS



1 Information-Sharing

- DSHS' statewide protocols for Designated Mental Health Professionals do not include the requirement that DMHPs evaluate certain individuals within 72 hours of release from jail.
- DSHS should add this missing requirement to its statewide protocols.

DSHS and WASPC concurred.

Recommendation To Superior Courts



1 Information-Sharing

- Required language is included on the Statewide Pattern Judgment and Sentence Form, but not all superior courts include in all completed judgment and sentence forms.
- All superior courts should include the required language in all completed judgment and sentence forms.

WASPC concurred.
AOC will work with the Superior Court
Judges' Association on an approach.

Recommendation To Pattern Forms Committee



1 Information-Sharing

- Court orders for involuntary treatment must include specific language, but the Supreme Court-established Pattern Forms Committee has not created uniform language for involuntary treatment orders.
- Pattern Forms Committee should adopt Statewide Pattern Forms for involuntary treatment court orders that include the required language.

Recommendation To Pattern Forms Committee



1 Information-Sharing

AOC partially concurred—intends to conduct review of court orders and expressed concerns about fiscal impact of adopting new forms.

WASPC concurred.



2 Medicaid Reinstatement

Legislators Expressed Concerns



2 Medicaid Reinstatement

- When leaving confinement, individuals with a mental illness may not be receiving essential mental health treatment.
- These individuals are **not eligible for Medicaid benefits** to pay for medical care received **while they are confined**.
- However, once released, they **may be eligible for Medicaid benefits**, which would provide a way to get mental health treatment.

Legislature Acted in 2005 and 2007



2 Medicaid Reinstatement

- Facilitating reinstatement of Medicaid coverage for eligible adults with a mental illness, and juveniles, upon their release from confinement
 - Includes requirement that DSHS' procedures **result in prompt reinstatement** of eligibility or speedy eligibility determination of Medicaid enrollment upon release

Status of Implementation: DSHS Analysis Questions Impacts



2 Medicaid Reinstatement

- DSHS' Research and Data Analysis Division conducted a one-time analysis in 2006-07 of implementation of Medicaid reinstatement and expedited eligibility for adults with a mental illness.
- Results showed:
 - Some improvement in (re)enrollment in DSHS medical coverage (including Medicaid); and
 - Limited improvement in use of behavioral health treatment services.

Recommendation To DSHS



2 Medicaid Reinstatement

- DSHS' Research and Data Analysis Division (RDA) completed a one-time analysis of implementation for adults with a mental illness, but not for juveniles.

- RDA should update its original analysis, and also conduct an analysis for juveniles.

DSHS concurred with comments—expressed concerns about fiscal impact.

Contact Information



Cynthia L. Forland
360-786-5178
Forland.Cynthia@leg.wa.gov

www.jlarc.leg.wa.gov