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State Supreme Court rules psychiatric boarding unlawful

Posted by Lynn Thompson

The Washington State Supreme Court ruled Thursday that boarding psychiatric patients temporarily in hospital emergency rooms and acute care centers because there isn't space at certified psychiatric treatment facilities is unlawful.

The court ruled unanimously that patients held temporarily in settings that don't provide individualized psychiatric treatment violates the state's Involuntary Treatment Act.

The court noted that Washington State's involuntary civil commitment system has been regularly overwhelmed since it was first enacted by the legislature in 1979. By 1981, it said, Western State Hospital, an evaluation and treatment center for psychiatric patients, was filled to capacity and refused to accept more patients until ordered by the court to do so.

Thursday's ruling arose from a 2013 Pierce County case. Ten patients retained under the involuntary treatment act were placed in emergency rooms or acute care facilities. None of the sites were certified as evaluation and treatment facilities for psychiatric treatment and the patients did not receive psychiatric care. The 10 sued to dismiss the county's involuntary treatment petitions and the trial judge found the practice, known as psychiatric boarding, illegal.

Pierce County and the state Department of Social and Health Services appealed the cases.

The Supreme Court said in its ruling that patients may not be warehoused without treatment because of a lack

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of funds nor can it justify the state's failure to provide the treatment necessary for recovery.

The ruling quotes the Involuntary Treatment Act which says, "Each person involuntarily detained or committed pursuant to (the Act) shall have the right to adequate care and individualized treatment."

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