

KOMO News

Extent of 'psychiatric boarding' problem unknown

By MARTHA BELLISLE Associated Press | Published: Aug 26, 2014 at 4:20 PM PDT (2014-08-26T23:20:35Z)

SEATTLE (AP) - Washington hospitals support a Supreme Court decision to consider a 120-day delay of a ban on sending psychiatric patients to emergency rooms, a spokeswoman said Tuesday. But she said no one knows the actual extent of the problem that everyone is trying to solve.

The number of patients being held in "psychiatric boarding" situations is not known because no one collects that data, said Mary Kay Clunies-Ross with the Washington State Hospital Association. A Seattle Times report last year also said the state did not keep records on boarding, so the newspaper did its own analysis and found that in King County alone, 2,160 mentally ill patients were involuntarily committed and held in ERs in 2012.

When a state agency told the high court last week that 200 patients were currently held, it was a "best guess," said Victoria Roberts, deputy assistant secretary for the Behavioral Health and Service Integration Administration.

The Washington Supreme Court ruled on Aug. 7 that the state's involuntary treatment act does not authorized psychiatric boarding as a way to deal with over-crowded treatment facilities. The court gave the state until Wednesday to move those patients to appropriate centers or release them.

The attorney general's office filed a motion on Friday asking for a stay of that deadline so they could secure more treatment beds. Attached to the request was a declaration by Jane Beyer, assistant secretary for behavioral health agency, saying about 200 patients were held in hospital emergency departments because no beds are available in certified evaluation and treatment centers. Gov. Jay Inslee authorized the agency to spend \$30 million to secure about 145 beds over the next three months.

On Monday, the court agreed to delay implementation of the ban for several days and said opponents could file a response to the state's request by Friday. The court plans to consider the question on Sept. 4.

Roberts said they came to the 200 number by counting all of the "single-bed certifications" issued on July 31. They counted 353, but that did not include the hospitals that held the patients without asking for certifications, she said, adding that the actual number could be as high as 400. They took the 353, subtracted 25 who had medical needs and 50 others who

were likely to be discharged and cut off 30 percent who might not be detained longer than 72 hours, she said.

"That left 200," Roberts said. "It was the best guess of what we would need on any given day. The analysis is ongoing."

Jennifer Sweigert, a Seattle lawyer representing 10 patients who filed the original lawsuit, said she plans to file an opposition to the state's 120-day stay request, arguing the state knew this was coming and should have prepared by adding beds long ago.

"Under state law and the constitution, if we're going to lock people up, they have to receive treatment," she said. "We can force people to get mental health treatment, but the law says it has to be in a certified mental health facility, not strapped to a gurney in the hallway of an emergency room."

Inslee spokesman David Postman said the 145 beds will help for now.

"We are under pressure to respond to the court decision so we'll fix what's in front of us," he said. "There is a long-term fix and a short-term fix. We're working on both."