

'Psychiatric boarding' comes to an end

Hospitals can no longer keep mentally ill in ERs without giving treatment

By [Marissa Harshman](#), Columbian health reporter

Published: December 25, 2014, 7:14 PM

Beginning Friday, Washington hospitals will no longer be able to hold mentally ill patients in their emergency departments without providing psychiatric treatment.

The Washington Supreme Court in August banned "psychiatric boarding" — the practice of hospital emergency departments involuntarily holding a mentally ill person beyond the initial assessment period, without providing services, while searching for an available inpatient bed. The justices ruled that doing so violates the Involuntary Treatment Act.

The mandate, which was put on hold after a 120-day stay was issued in late August, goes into effect Friday.

That's troubling for those who advocate for the mentally ill.

"One of my overall concerns is that we don't have a sufficient number of mental health beds," said Peggy McCarthy, executive director of the Southwest Washington office of the National Alliance on Mental Illness.

In Clark County, PeaceHealth Southwest Medical Center has a 12-bed adult inpatient unit at its Memorial Campus on Main Street. Telecare, an Alameda, Calif.-based company, operates a 12-bed inpatient unit at the Center for Community Health. Options for children and teens are even more limited.

When local inpatient beds aren't available, case managers and family members have to cast a wider net and look for beds in other communities in Oregon and Washington.

Finding inpatient beds can take days. Under the new mandate, people could be released before a bed becomes available, even if they're still in crisis, McCarthy said.

"The problem is not going to go away quickly," McCarthy said. "If somebody in crisis is released to the streets in crisis, we are a community waiting for a horrible thing to happen. The possibility is there."

Emergency rule

Earlier this month, the state Department of Social and Health Services issued an emergency rule that would allow exceptions to the ban.

In the past, hospital emergency departments and certain inpatient facilities — those not licensed as evaluation and treatment facilities, such as PeaceHealth Southwest's inpatient unit — could petition the state for a single-bed certification. That would allow the hospital to provide psychiatric services to a person being held involuntarily when a licensed facility isn't available, said Dan Huhta, PeaceHealth Southwest Medical Center patient relations manager and risk manager.

The problem, Huhta said, is some people were being held but weren't receiving treatment. That's what prompted the lawsuit and the Supreme Court's decision, he said.

In response to the court ruling, DSHS issued an emergency rule Dec. 12 that modified the single-bed certification. Under the new rule, hospitals can still petition for a single-bed certification but must first have a treatment plan in place for the patient, Huhta said.

PeaceHealth Southwest will continue to utilize single-bed certifications. The new rule won't change the way the hospital provides services to mentally ill patients, he said.

"Historically, we've always provided this level of treatment for patients," Huhta said. "There's nothing new to what we've been doing."

If there are no evaluation and treatment beds available and the single-bed certifications are also full, the emergency department will uphold its responsibility under federal law to assess and stabilize patients before discharging or transferring the patient. If the patient is a danger to themselves and no beds are available, emergency department providers may still authorize a patient safety hold until a bed becomes available, said Randy Querin, PeaceHealth Southwest spokesman.

New care model

Legacy Salmon Creek Medical Center, which does not have an inpatient psychiatric unit, welcomes the Supreme Court's decision.

"Our current health care system is not meeting the needs of many people with behavioral health issues," hospital officials said in a written statement. "Ongoing conversations focus on a lack of available beds at inpatient behavioral health facilities, but that's really just a symptom of a larger problem."

"The lack of a readily available range of services is forcing those experiencing mental health crises to seek help wherever they can get it," they said. "Sometimes that's in a hospital emergency room, like ours. And sometimes it involves escalating behaviors that result in arrest and jail time. Neither option serves these patients fully or well."

Legacy Health officials are undertaking work they hope will lead to a new way to provide psychiatric services in the Portland-Vancouver area.

"We're looking at a regional model staffed by both psychiatric and medical providers as well as social workers and other resource specialists who can address a patient's acute care needs, as well as initiate therapeutic intervention and connect individuals with appropriate community resources," they said in the statement. "This would be designed as a patient-centered care environment that soothes and helps de-escalate individuals in crisis and speeds their safe re-entry into the community."

That work is in the early stages.

"Our overarching goal remains the same as it always has been: appropriate treatment in the appropriate setting, with an eye toward the improved health of everyone in our communities," Legacy officials said.