

The Involuntary Treatment Act (ITA)

Overview

The Involuntary Treatment Act (ITA) provides the statutory framework for civil investigation, evaluation, detention, and commitment of individuals experiencing a mental disorder or a substance use disorder whose symptoms are so acute that the individual may need to be treated on an involuntary basis in an Evaluation and Treatment facility (E&T) or Secure Withdrawal Management and Stabilization facility (SWMS).

ITA governs the actions of Designated Crisis Responders (DCRs), law enforcement, health care providers, and the court process in terms of:

- Conducting investigations and evaluations to determine if an individual meets criteria for emergent or non-emergent involuntary detention and treatment;
- Writing petitions so that the court may order an involuntary commitment;
- Testifying in court proceedings;
- Monitoring compliance for individuals who have been released from commitment under a Less Restrictive Alternative order.

The Involuntary Treatment Act process may be initiated for anyone within the state of Washington. An individual is typically referred by family members, first responders, care givers, medical providers, and care providers for an ITA investigation/evaluation. The referrals for ITA investigation arise from concerns regarding an individual's safety, history, and presentation of mental disorder or substance use disorder symptoms. An ITA investigation includes examining alleged facts through reasonably available information, records and witnesses.

An ITA evaluation consists of an interview with the individual to determine if symptoms of the individual's mental disorder or substance use disorder places the individual at risk due to the likelihood of serious harm, and/or grave disability.

ITA evaluations are often conducted in hospital emergency departments, or outreach into the community.

Terminology

Grave disability means that due to the individual's mental disorder or substance use disorder, the individual is in danger of serious harm resulting from a failure to provide for their essential needs of health and safety; or demonstrates a severe deterioration in routine functioning evidenced by increasing loss of volitional control over their actions and is not currently receiving care that is essential for the individual's health and safety.


Likelihood of serious harm means a substantial risk that physical harm will be self-inflicted, inflicted upon another, or inflicted upon the property of others. This includes threats or attempts to commit suicide or harm oneself, or behavior that causes harm or places another person of reasonable fear that they will be harmed, or behavior that caused substantial loss or damage to the property of others.

Treatment within facilities

After the petition is written and the individual is served with the petition, the individual is taken into custody and transported to the licensed facility that accepted the individual for treatment. Typically, the accepting facility requires that the individual has been medically screened to insure that the individual does not have any medical treatment needs which are beyond the scope of the treating facility.

An individual detained for mental disorder may be detained to an E&T facility. An individual detained for substance use disorder may be detained to a SWMS facility. A facility may be dually credentialed as both an E&T facility and SWMS facility.

The individual may be treated and stabilized at the licensed facility for up to 120 hours, excluding weekends and holidays, for further evaluation and treatment. The individual must be released after the initial 120 hours, unless the treatment team determines that the individual is still at risk and petitions the court. The court conducts a hearing to



determine if a 14 day commitment will be ordered for additional treatment. The individual has the right to legal representation through this process. The intent of the court process is to balance the individual's constitutional rights with individual and community safety.

Federal gun rights

An individual loses their federal gun rights and is not allowed to possess or purchase firearms for 6 months upon the initial 120 hour detention, if on the grounds of likelihood of serious harm. An individual loses their federal gun rights and is not allowed to possess or purchase firearms permanently if, due to a mental disorder, they are committed for further treatment at the 14 day hearing.

90 day commitment

If the individual does not stabilize within the 14 day commitment, the facility may petition the court, who may order a 90 day commitment, and the individual will be transitioned to a long-term community bed or a state hospital bed.

Investigatory and court processes that are not mental health treatment services in and of themselves are not billable to Medicaid, Medicare, or third-party insurance.

Authority

RCW 71.05 (Adults)

RCW 71.34 (Minors age 13-17)

Budget

The funding source for ITA implementation is through General Fund State dollars contracted through the Health Care Authority with regional Behavioral Health Administrative Services Organizations (BHASO). These entities then contract with crisis and ITA service providers to cover each county within the state.

The BHASO's expenditures totaled \$123,786,518 for ITA Commitment Services in SFY 2021 Revenue and Expenditure Reports.

Numbers Served

During SFY 2021, 27,668 ITA Investigations were conducted, resulting in 15,208 initial detentions and 3274 subsequent orders for 14-day commitments.