



Board of Directors

Meeting Agenda

November 9th, 2023

Board of Directors Members Present in Person:

Members Present via Zoom:

**North Sound Behavioral Health
Administrative Services Organization
(North Sound BH-ASO) Staff Present:**

Guests Present:

1. **Call to Order and Introductions** – Chair
2. **Tribal Acknowledgement** – Chair
[Tribal Behavioral Health | North Sound BH-ASO \(nsbhaso.org\)](https://www.nsbhaso.org)
3. **Revisions to the Agenda** – Chair
4. **Approval of the October 12th, 2023, Minutes, Motion #23-64** – Chair.....
Attachment
5. **State Auditor’s Exit Conference** (Available at Meeting)Attachment
 - o David Yost
6. **North Sound BH-ASO 2024 Proposed Budget**
 - o Chair Announcement: The Public Budget Hearing is now open [Time]
 - o Presentation from North Sound BH-ASO: [NS BH-ASO Proposed 2024 Budget.pdf \(nsbhaso.org\)](#)
 - o Chair: Any comments from the public?
 - o Chair: The Public Hearing on the Budget is now closed [Time]
7. **Comments & Announcements from the Chair**
8. **Reports from Members**
9. **Comments from the Public**

10. Report from the Advisory Board (Available at Meeting) Attachment

11. Report from the Finance Officer (Available at Meeting) Attachment

12. Report from the Governance Operations Committee

All matters listed with the Consent Agenda have been distributed to each Member for reading and study, are considered to be routine, and will be enacted by one action of the Board of Directors with no separate discussion. If separate discussion is desired, the item may be removed from the Consent Agenda and placed on the Regular Agenda by request of a Member.

Consent Agenda (Available at Meeting)Attachment

Motion #23-65

- To review and approve the North Sound Behavioral Health Administrative Services Organization claims paid from October 1st, 2023, through October 31st, 2023, in the amount of \$.
- Payroll for the month of October in the amount of \$ and associated employer benefits in the amount of \$.

13. Action Items

For Board Approval

Recovery Cafés

North Sound has set aside American Rescue Plan Act (ARPA) funding for the region’s Recovery Cafés. The funding is our ARPA Mental Health Block Grant and is a one-time funding allotment. The funding will be used for operational costs at all the cafés.

Below are the allocations:

- New Earth Recovery-Recovery Café Skagit \$154,836
- San Juan County
 - Lopez Island Heart and Soul \$25,777
 - San Juan Joyce L Sobel Family Resource Center/New Day Recovery Café \$52,646
- Everett Recovery Café \$121, 739

Motion #23-66

- North Sound BH-ASO-New Earth Recovery-PSC-23 to provide funding for the Recovery Café in Mount Vernon. The term of this agreement is November 1, 2023, through October 31, 2024, based on continued compliance with the terms of the contract.

Motion #23-67

- North Sound BH-ASO-Lopez Island Heart and Soul-PSC-23 to provide funding for the Recovery Café in Mount Vernon. The term of this agreement is November 1, 2023, through October 31, 2024, based on continued compliance with the terms of the contract.

Motion #23-68

- North Sound BH-ASO-Joyce L Sobel Family Resource Center-PSC-23 to provide funding for the Recovery Café in Mount Vernon. The term of this agreement is November 1, 2023, through October 31, 2024, based on continued compliance with the terms of the contract.

Motion #23-69

- North Sound BH-ASO-Everett Recovery Café-PSC-23 to provide funding for the Recovery Café in Mount Vernon. The term of this agreement is November 1, 2023, through October 31, 2024, based on continued compliance with the terms of the contract.

Health Care Authority Off-Cycle Amendment

HCA is offering an off-cycle amendment to adjust our July 1, 2023, budget as follows:

- Remove \$650,000 in Recovery Navigator Funding
- Remove \$260,440 in Standard Substance Abuse Block Grant
- Add \$739,000 in Proviso 86 Housing Pilot Funding
- Add \$307,600 in COVID SABG Funding

Motion #23-70

- Health Care Authority-North Sound BH-ASO-K56897 Amendment 1 to provide a budget adjustment for the period of July 1, 2023, and December 31, 2023. The contract period is July 1, 2023, through June 30, 2025.

North Sound BH-ASO Budget Amendment

This is a motion to amend the previously adopted motion #23-61 which was passed at the October Board of Directors Meeting. The Skagit County Auditor has required additional language, specifying the amendment is an increase to our annual budget.

Original Passed Motion #23-61

To approve the transfer of \$2,000,000.00 from reserves, \$650,000.00 from RNP restricted reserves, \$550,000.00 from Department of Commerce revenue and \$800,000.00 from unrestricted reserves

Amendment to previously passed Motion #23-61

- To authorize an increase of the expense budget by transferring \$2,000,000.00 from reserves, \$650,000.00 from RNP restricted reserves, \$550,000.00 from Department of Commerce revenue and \$800,000.00 from unrestricted reserves.

14. Introduction Items

The contracts being introduced this month fall into four distinct categories:

- Health Care Authority (HCA) contracts to include funding for the period of January 1, 2024, through June 30, 2024.
- Downstream contracts for General Fund-State (GF-S) Mandatory Services (Crisis Outreach, Involuntary Treatment Act (ITA) Services, ITA inpatient, Secure Withdrawal Management and Proviso Funding)
- Downstream contracts for Substance Abuse Block Grant (SABG) Priority Services (Pregnant & Parenting Women Housing Services (PPW), Individuals using Intravenous Drugs (IUID) and Opiate Outreach)
- Downstream contracts for GF-S/SABG/Mental Health Block Grant (MHBG) Services within Available Resources (Mental Health & Substance Use Disorder Outpatient, SUD Residential, Triage Services)

The downstream contracts follow the HCA contract. The funding for the downstream contracts is included in the same amendment, which is why you will see the same numbered amendment under a different category of funding. The funding allocations for the downstream contracts will be developed over the next month.

Health Care Authority

K-6897 Amendment is providing the GF-S funding for the period of January 1, 2024, through June 30, 2024, and Federal Block Grant funds for the period of January 1, 2024, through June 30, 2024, for ARPA funds utilization through September 30, 2025.

- New GF-S funding is expected for the period of January – June 2024, however the details have not been provided by HCA to date.

Motion #

- HCA-NS BH-ASO-K-6897-Amendment 1 providing the ASO GF-S funding and legislative proviso funds for the period of January 1, 2024, through June 30, 2024, and Federal Block Grant Funding for the period of January 1, 2024, through June 30, 2025, and September 30, 2025.

GF-S Mandatory Services

The following contracts provide mandatory behavioral health services. Funding for GF-S services is allocated every six (6) months.

- Compass Health
 - Mobile Crisis Outreach Teams, ITA services, Child Youth and Family Crisis Outreach Team, Program for Assertive Community Treatment (PACT), Evaluation and Treatment Services, E&T Discharge Planners, Whatcom Triage,
- Snohomish County
 - Mobile Crisis Outreach, ITA services
 - Proviso Funding-Jail Transition Services, Designated Cannabis Account, Trueblood Funds
- Volunteers of America
 - Toll Free Crisis Hotline
 - Crisis follow-up Services
- Telecare
 - Evaluation and Treatment Services, E&T Discharge Planners
- Lifeline Connections

- PACT
- Snohomish County Superior Court
 - Juvenile Treatment Services
- Island County
 - Proviso Funding-Jail Transition Services, Designated Cannabis Account, Trueblood Funds
- San Juan County
 - Proviso Funding-Jail Transition Services, Designated Cannabis Account
- Skagit County
 - Proviso Funding-Jail Transition Services, Designated Cannabis Account, Trueblood Funds
- Whatcom County
 - Proviso Funding-Jail Transition Services, Designated Cannabis Account, Trueblood Funds

Motion #

- NS BH-ASO-Compass Health-ICCN-23 Amendment 3 to provide funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Snohomish County-ICCN-23 Amendment 3 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-VOA-ICCN-23 Amendment 3 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Telecare-ICCN-23 Amendment 2 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Lifeline Connections-ICN-23 Amendment 2 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Snohomish County Superior Court-ICN-23 Amendment 2 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Island County-ICN-23 Amendment 3 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-San Juan County-ICN-23 Amendment 2 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Skagit County-Interlocal-23 Amendment 2 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Whatcom County-ICN-23 Amendment 2 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 30, 2025, with an

automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.

Substance Abuse Block Grant (SABG) & Mental Health Block Grant (MHBG) Priority Services

The following contracts are providing SABG priority Services:

- Brigid Collins
 - Pregnant and Parenting Women (PPW) Housing Support Services
- Evergreen Recovery Centers
 - PPW Housing Support Services
- Catholic Community Services
 - PPW Housing Support Services
- Compass Health
 - San Juan HARPS subsidies
 - Certified Peers on Mobile Crisis Teams
- Island County
 - Opiate Outreach, HARPS subsidies
- Community Action of Skagit County
 - Opiate Outreach
- Snohomish County
 - Opiate Outreach
- Whatcom County
 - Opiate Outreach
- Telecare Corp.
 - Peer Bridger Program, Peer Bridger Participant Relief Funds

Motion #

- NS BH-ASO-Brigid Collins-ICN-23 Amendment 2 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-ERC-ICN-23 Amendment 3 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-CCS NW-ICN-23 Amendment 2 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Compass Health-ICCN-23 Amendment 3 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Island County-ICN-23 Amendment 3 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-CASC-ICN-23 Amendment 2 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.

- NS BH-ASO-Snohomish County-ICCN-23 Amendment 3 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Whatcom County-ICN-23 Amendment 2 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Telecare-FBG-23 Amendment 2 to provide additional funding to Peer Bridger services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.

GF-S/SABG/MHBG Services within Available Resources

- Compass Health
 - SUD outpatient services in San Juan County
 - Whatcom County Triage
- Conquer
 - Startup funds in the amount of \$710,532 for the Assisted Outpatient Program in Snohomish County
- Evergreen Recovery Centers
 - Withdrawal Management Services
 - Mental Health Infant Specialist
 - Homeless Outreach and Stabilization Team (HOST)
- Island County
 - Co-Responder project
- Lake Whatcom Center
 - PACT
 - Mental Health outpatient services
 - Substance Use outpatient services
- Pioneer Human Services
 - Island, Skagit & Whatcom withdrawal management services
- Snohomish County
 - Co-Responder project
- Whatcom County
 - Co-responder project

Motion #

- NS BH-ASO-Compass Health-ICCN-23 Amendment 3 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- North Sound BH-ASO-Conquer Addiction-ICN-23 Amendment 1 to provide start-up funds for AOT services in Snohomish County. The contract term is August 1, 2023, through July 31, 2024, with an automatic one-year renewal on August 1, 2024, based on continued compliance with the terms of the contract.

- NS BH-ASO-ERC-ICN-23 Amendment 3 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Island County-ICN-23 Amendment 3 to provide the funding for co-responder services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-LWC-ICN-19-22 Amendment 2 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-PHS-ICN-23 Amendment 2 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Snohomish County-ICCN-23 Amendment 3 to provide the funding to continue services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.
- NS BH-ASO-Whatcom County-ICN-23 Amendment 2 to provide the funding co-responder services under this contract. The contract term is January 1, 2023, through December 31, 2025, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.

15. DRAFT Report from the Executive Director Attachment

16. Adjourn

Next Meeting: December 14th, 2023



October 12th, 2023

**Board of Directors Members Present
in Person:**

- **Peter Browning**, Commissioner;
Skagit County, Board Chair
- **George Kosovich**, Public Health,
Skagit County; designated
alternate for Peter Browning,
Commissioner

Members Present via Zoom:

- **Sam Low**, County Executive;
Snohomish County
- **Barry Buchanan**, County Council;
Whatcom County
- **Cammy Hart-Anderson**, Human Services,
designated alternate for Dave Somers
County Executive, Snohomish County
- **Jami Mitchell**, Human Services
Manager, San Juan County; designated
alternate for Jane Fuller, County
Council
- **Perry Mowery**, Behavioral Health
Supervisor, designated alternate for
Satpal Sidhu, County Executive;
Whatcom County
- **Pat O'Maley Lanphear**, North Sound
BH-ASO Advisory Board Chair

**North Sound Behavioral Health
Administrative Services Organization
(North Sound BH-ASO) Staff Present:**

- **Darrell Heiner**, Senior Accountant, North
Sound BH-ASO
- **Margaret Rojas**, Assistant Executive
Director, North Sound BH-ASO
- **JanRose Ottaway Martin**, Executive
Director, North Sound BH-ASO
- **Charles DeElena**, Business Improvement
Manager/Compliance Officer, North
Sound BH-ASO
- **Maria Arreola**, Senior Administrative
Assistant

Guests Present:

- Lori Fleming, Snohomish County HRSA

Call to Order and Introductions –

Chair called the meeting to order and introductions were made.

Tribal Acknowledgement

[Tribal Behavioral Health | North Sound BH-ASO \(nsbhaso.org\)](https://www.nsbhaso.org)

[The Chair read the Tribal Acknowledgement](#)

Revisions to the Agenda

The Chair asked if there were any revisions to the agenda. There were none mentioned.

Approval of the September 14th, 2023, Minutes, Motion #23-55

Cammy Hart-Anderson moved the motion for approval, Perry Mowery seconded, all in favor, none opposed, no abstentions. Motion #23-55 carried.

Comments & Announcements from the Chair

Chair noted JanRose first official meeting today. Chair shed light on the things that matter.

Reports from Members

Updates were given from the respective counties regarding the latest happenings around behavioral substance use disorder activities.

Comments from the Public

No comments from the public were made.

Annual Compliance Training

Charles DeElena, Compliance Officer, NS BH-ASO

Charles reviewed the Centers for Medicare and Medicaid Services (CMS) training requirements as well as the attestation form. Joanie will send the attestation forms that will be due December 1.

Report from the Advisory Board

Pat O'Maley-Lanphear provided the brief form Advisory Board Meeting.

Report from the Finance Officer

Margaret gave the report from the Finance Officer. She covered the topics listed.

Report from the Governance Operations Committee

All matters listed with the Consent Agenda have been distributed to each Member for reading and study, are considered to be routine, and will be enacted by one action of the Board of Directors with no separate discussion. If separate discussion is desired, the item may be removed from the Consent Agenda and placed on the Regular Agenda by request of a Member.

Consent Agenda

Motion #23-56

- To review and approve the North Sound Behavioral Health Administrative Services Organization claims paid from September 1st, 2023, through September 30th, 2023, in the amount of \$4,35,222.06. Payroll for the month of September in the amount of \$179,489.75 and associated employer benefits in the amount of \$84,994.48.

Barry Buchanan moved the motion for approval, Perry Mowery seconded, all in favor, none opposed, no abstentions. Motion #23-56 carried.

Action Items

For Board Approval

Health Care Authority (HCA)

This is the continuing contract for Projects for Assistance in Transition from Homelessness (PATH). This is an outreach program targeting individuals with a serious mental illness who are unhoused. The annual funding for this service is \$219,026.

The continuing contract for Peer Pathfinder Homeless Outreach Programs. Funding is used to support outreach and engagement services for those who are, or who are at risk of homelessness and have or are suspected to have an Opiate Use Disorder and/or stimulant use disorder. The annual funding for these services is \$117,207.

Motion #23-57

Barry Buchanan moved the motion for approval, Perry Mowery seconded, all in favor, none opposed, no abstentions. Motion #23-57 carried.

- HCA-North Sound BH-ASO-PATH-23 for the purpose of funding PATH services in Snohomish County. The contract term is October 1, 2023, through September 30, 2024.

Motion #23-58

- HCA-North Sound BH-ASO-K6453-23 for the purpose of providing peer pathfinder services in Whatcom County. The term of the contract is September 30, 2023, through September 29, 2024.

Barry Buchanan moved the motion for approval, Perry Mowery seconded, all in favor, none opposed, no abstentions. Motion #23-58 carried.

The following two contracts are the downstream contracts for PATH and Peer Pathfinder services.

Bridgeways

Bridgeways is the provider of PATH services in Snohomish County. The annual funding amount is \$219,026 of grant funding and \$73,000 in State funds for case management services for a total of \$292,034.

Motion #23-59

- North Sound BH-ASO-Bridgeways-PATH-23 for the purpose of providing PATH outreach and case management services in Snohomish County. The term of this agreement is October 1, 2023, through September 30, 2024, based on continued compliance with the terms of the contract.

Barry Buchanan moved the motion for approval, Perry Mowery seconded, all in favor, none opposed, no abstentions. Motion #23-59 carried.

Lifeline Connections

Lifeline Connections is the provider of Peer Pathfinder Services. The annual funding for this contract is \$117, 207.

Motion #23-60

- NS BH-ASO-Lifeline Connections-FBG-23 Amendment 1 to provide funding to the Peer Path Finder services under this contract. The contract term is January 1, 2023, through December 31, 2023, with an automatic one-year renewal on January 1, 2024, based on continued compliance with the terms of the contract.

Barry Buchanan moved the motion for approval, Perry Mowery seconded, all in favor, none opposed, no abstentions. Motion #23-60 carried.

North Sound BH-ASO Administrative Budget Amendment

These are the factors requiring a budget amendment-

- Skagit County will not pay our warrants if our budget revenues and expenses are not balanced.
- Significant expenses, such as IT servers, repayment of 650K+ of Recovery Navigator Program (RNP) funds to HCA and professional services for recruitment and a needs assessment are major factors.
- We also received new revenue in the amount of \$550K, from the Department of Commerce (DOC) Grant which needs to be noted in the budget.
- The ASO has the funds to cover the expenses, we only need to amend our budget to show the Skagit County Treasurer the funds are available to pay our bills. We are requesting \$2M to be moved from reserves, \$650K of restricted funds from the RNP, \$550K from new revenue (DOC) and \$800K from unrestricted reserves.

Motion #23-61

- To approve the transfer of \$2,000,000.00 from reserves, \$650,000.00 from RNP restricted reserves, \$550,000.00 from Department of Commerce revenue and \$800,000.00 from unrestricted reserves.

Barry Buchanan moved the motion for approval, Perry Mowery seconded, all in favor, none opposed, no abstentions. Motion #23-61 carried.

North Sound BH-ASO Investment Agreement

The Skagit County Investment Pool (the SKIP) is an investment pool consisting of public funds offered by the Skagit County Treasurer and authorized under RCW's 36.29.020, 36.29.022 and 36.29.024. Participants of the investment pool may include, but not limited to, county departments, and Junior taxing districts. North Sound BH-ASO has been a member of the pool for several years. The county has changed its investment firm and has updated the operating agreement which requires Board action for our continued participation.

The Skagit County Treasurer's office charges pool participants a fee representing administration and recovery costs associated with the operation of the pool. In accordance with RCW 36.29.024, this fee is intended to reflect the Skagit County Treasurer's actual direct expense and out-of-pocket cost of administering the pool.

- Skagit County Treasurer requires a Board resolution/motion to state the following:
 - North Sound BH-ASO Board of Directors hereby authorizes the contribution and withdrawal of North Sound BH-ASO monies in the SKIP in a manner prescribed by law, rule and the SKIP Operating Terms and Conditions; and
 - North Sound BH-ASO Board of Directors shall appoint investment officers, identified as follows:
 - Kimberly Nakatani, Accountant (Primary)
 - Shari Downing, Accounting Specialist (Secondary)

Motion#23-62

- To authorize North Sound BH-ASO to enter into an agreement with SKIP for investments of North Sound BH-ASO public funds.

Barry Buchanan moved the motion for approval, Perry Mowery seconded, all in favor, none opposed, no abstentions. Motion #23-62 carried.

Motion#23-63

- To authorize the appointment of a primary and secondary Investment officer for the purpose of SKIP.

Perry Mowery moved the motion for approval, Barry Buchanan seconded, all in favor, none opposed, no abstentions. Motion #23-63 carried.

Introduction Items

Recovery Cafés

North Sound has set aside American Rescue Plan Act (ARPA) funding for the region’s Recovery Cafés. The funding is our ARPA Substance Abuse Block Grant and is a one-time funding allotment. The funding will be used for operational costs at all the cafés.

Below are the allocations:

- New Earth Recovery-Recovery Café Skagit \$154,836
- San Juan County
 - Lopez Island Heart and Soul \$25,777
 - San Juan Joyce L Sobel Family Resource Center/New Day Recovery Café \$52,646
- Everett Recovery Café \$121, 739

Motion#

North Sound BH-ASO-New Earth Recovery-PSC-23 to provide funding for the Recovery Café in Mount Vernon. The term of this agreement is October 1, 2023, through September 30, 2024, based on continued compliance with the terms of the contract.

Motion#

North Sound BH-ASO-Lopez Island Heart and Soul-PSC-23 to provide funding for the Recovery Café in Mount Vernon. The term of this agreement is October 1, 2023, through September 30, 2024, based on continued compliance with the terms of the contract.

Motion #

North Sound BH-ASO-Joyce L Sobel Family Resource Center-PSC-23 to provide funding for the Recovery Café in Mount Vernon. The term of this agreement is October 1, 2023, through September 30, 2024, based on continued compliance with the terms of the contract.

Motion #

North Sound BH-ASO-Everett Recovery Café-PSC-23 to provide funding for the Recovery Café in Mount Vernon. The term of this agreement is October 1, 2023, through September 30, 2024, based on continued compliance with the terms of the contract.

Report from the Executive Director

The Report from the Executive Director was given by JanRose.

Topics included:

- Opioid Abatement Council
- Western State Hospital, the Pechman Ruling Update, and new Olympic Heritage Facility
- Ituha Facility
- Skagit County Prosecuting Attorney’s Office and Involuntary Treatment Act Cases
- State Auditor’s Office (SAO) Final Report Out
- Federal Government Shutdown and Medicaid Unwinding

Adjourn

Next Meeting: November 9th, 2023

Ituha Facility

Health Care Authority (HCA) has sent an email to all Managed Care Organizations (MCOs) asking them to reach out to Pioneer Human Services (PHS) (who holds the operating contract for the Ituha Stabilization Facility in Oak Harbor) and to provide a synopsis of their conversation with PHS to HCA by November 1, 2023.

Skagit County Prosecuting Attorney's Office and Involuntary Treatment Act cases

North Sound met with Skagit county Prosecuting Attorney's Office (PAO) and Skagit County Commissioner/North Sound BHASO Board Chair, Peter Browning, on November 1, 2023. In that discussion, Prosecuting Attorney Rich Weyrich confirmed his desire to step away from processing Involuntary Treatment Act (ITA) case in the near future (January 1, 2024). Two solutions he is currently looking into are seeing if the Whatcom County or Snohomish County PAO would be open to contracting to do the ITA body of work or exploring contracting a private firm to provide the prosecutorial support to his office. HCA met with North Sound to discuss the issue and provided the attached communication. Of note:

"In sum, HCA contracts with North Sound BH-ASO to administer all ITA services within its assigned Regional Service Area, including the funding of judicial services. The Skagit County Prosecuting Attorney has a statutory role in the ITA system that is not optional or secondary to other duties. HCA is amenable to solutions proposed that would allow this matter to be resolved locally. However, HCA expects that ITA petitioners in Skagit County will continue to be represented by deputy prosecutors or special deputy prosecutors after January 1, 2024."

-Annette Schuffenhauer, Chief Legal Officer, HCA



**STATE OF WASHINGTON
HEALTH CARE AUTHORITY**

626 8th Avenue, SE • P.O. Box 45502 • Olympia, Washington 98504-5502

October 25, 2023

JanRose Ottaway Martin
Executive Director
North Sound Behavioral Health Administrative Services Organization
301 Valley Mall Way, Suite 110
Mount Vernon, WA 98273

Dear Ms. Ottaway Martin:

SUBJECT: Prosecuting Attorney Services for ITA Hearings In Skagit County

The Health Care Authority (HCA) is in receipt of the September 25, 2023, letter to you from Skagit County Prosecutor Richard Weyrich. Mr. Weyrich wrote that his office has been unable to recruit and retain attorneys to do Involuntary Treatment Act (ITA) hearings in Skagit County and that his office will no longer provide representation for ITA hearings after January 1, 2024. We appreciate that you have reached out to HCA for guidance.

There are a number of statutes that bear on this situation, and we encourage you to review them. First, RCW 71.05.130 provides that the prosecuting attorney of a county represents all ITA petitioners in that county except those of the state hospitals, who are represented by the Attorney General. This statute is not optional, nor is it secondary to other duties. Even before the adoption of the current ITA, prosecuting attorneys have been determined to be obligated to appear in mental illness proceedings. See [AGO 1971 No. 19](#).

Second, RCW 36.27.020(4) requires the prosecuting attorney to represent all civil actions in which the state or county may be a party. The state is a party to ITA proceedings because the civil commitments are considered “state action” in furtherance of the state’s *parens patriae* powers, even if undertaken by a private facility. The prosecuting attorney is part of this public function, in practice and by statute. *Rawson v. RII*, 975 F.3d 742 (9th Cir., 2020).

Third, the Community Behavioral Health Services Act requires the Behavioral Health Administrative Services Organization (BH-ASO) to administer services related to involuntary commitments and ensure access to court-related services. RCW 71.24.045(1)(a)(iii), (b). Therefore, the BH-ASO is required to make arrangements with courts, prosecuting attorneys and defense counsel to ensure that individuals subject to ITA proceedings receive the due process protections to which they are constitutionally entitled.

Prosecuting Attorney Services for ITA Hearings In Skagit County

Finally, RCW 71.05.730 sets forth the retroactive reimbursement mechanism for a county to seek reimbursement from the BH-ASO on a quarterly basis for the provision of “judicial services,” which includes providing prosecutor services.

Mr. Weyrich has offered to deputize one or more private attorneys as special deputy prosecuting attorneys to undertake this work. This proposal would require North Sound BH-ASO and Mr. Weyrich to identify attorneys willing to do this work. Given the structure of these statutes, HCA believes that any contract with deputized private attorneys should be held by the prosecuting attorney so that the costs may be monitored and there is appropriate oversight of these professional services.

In sum, HCA contracts with North Sound BH-ASO to administer all ITA services within its assigned Regional Service Area, including the funding of judicial services. The Skagit County Prosecuting Attorney has a statutory role in the ITA system that is not optional or secondary to other duties. HCA is amenable to solutions proposed that would allow this matter to be resolved locally. However, HCA expects that ITA petitioners in Skagit County will continue to be represented by deputy prosecutors or special deputy prosecutors after January 1, 2024.

Please contact reach out to me if you have any additional questions.

Sincerely,



Annette Schuffenhauer
Chief Legal Officer
Division of Legal Services

By email and first-class mail

cc: Keri Waterland, Division Director, Division of Behavioral Health and Recovery, HCA
Jason McGill, Assistant Director, Medicaid Program Division, HCA
Rich Weyrich, Skagit County Prosecuting Attorney