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The Honorable MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CASSIE CORDELL TRUEBLOOD, next
friend of A.B., an incapacitated person, et al.,

Plaintiffs,

v.

THE WASHINGTON STATE
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES, et al.,

Defendants.

NO. 2:14-cv-1178 MJP

DECLARATION OF CARLA
REYES

I, Carla Reyes, am over the age of 18 years of age, competent to testify to the matters below, and declare based upon personal knowledge:

1. I am assistant secretary for the Behavioral Health Administration (BHA) of the Department of Social and Health Services (DSHS). I am an authorized representative of the Department of Social and Health Services.

2. As assistant secretary, I am responsible for the delivery of prevention, intervention, inpatient treatment, outpatient treatment and recovery support to people with mental health and substance use disorder needs. I am responsible for the operation of the three state hospitals, which includes oversight of hospital policies, procedures, and practices

1 to ensure they are aligned with DSHS policies and applicable state and federal laws
2 pertaining to health care facilities. I am also accountable for managing operational issues
3 that cross the divisions within my Administration, strategic planning, performance
4 management, quality assurance, and risk management. I joined the Department of Social and
5 Health Services in 1997, and prior to joining BHA, I served as the Director of Planning and
6 Performance.
7

8 3. At the time of trial, there were no alternatives to competency restoration
9 treatment other than that which was provided in the state hospitals. Following the trial in this
10 case, looking at trends and considering the need to respond quickly to this Court's April 2,
11 2015 order, the Department determined there was not sufficient capacity within the two state
12 hospitals to support a 90 bed expansion by January 2, 2016. In order to meet growing demand
13 over time and to accomplish the ambitious goal of providing restoration treatment within seven
14 days of a court order being signed, DSHS had to look beyond its own state hospitals to expand
15 these services. In the short-term this was intended to include up to 30 beds for competency
16 restoration treatment outside the state hospitals while the Department continued development
17 of additional resources at state facilities.
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19 4. The time to build new wards at either state hospital was not possible within the
20 timeline to achieve compliance with the Trueblood order. For instance, the Department's
21 2015-2025 Capital Budget plan includes the addition of two forensic wards at Western State
22 Hospital at a total estimated cost of over \$45 million. This is a multi-stage process including
23 predesign, design, and construction. Predesign was estimated to last until March 2016, design
24 to last until June 2017, and construction not to be completed until June 2019. The Department
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1 determined the wait for additional physical capacity at the state hospitals was too long to meet
2 the court ordered timelines.

3 5. DSHS intends to maximize the use of state hospital beds to meet the seven-day
4 competency services standard. However, given limits on existing physical bed capacity and
5 challenges of recruiting state hospital staff, the offsite competency restoration programs at
6 YCCC and Maple Lane were determined to provide appropriate and therapeutic competency
7 restoration services to class members much more quickly than building new wards or facilities
8 on the existing state campuses.

9
10 6. DSHS underwent an extensive and careful process to identify the
11 appropriate contractor to provide services at both alternate facilities. Even after Correct Care
12 Recovery Solutions (CCRS) was identified as the contractor for Maple Lane, the Department
13 did additional vetting and review. Further, the Department conducted additional follow-up
14 after receiving concerns from the Court Monitor and the Plaintiffs regarding CCRS's parent
15 agency, Correct Care, LLC. On December 30, 2015, the Department provided a detailed
16 document regarding the vetting process to the Court Monitor. Attached is a true and correct
17 copy of the document sent on December 30th. Attachment A.

18
19 7. It is true that having beds outside the hospital became even more critical
20 after the Centers for Medicare and Medicaid Services' actions regarding the hospital in
21 October 2015 resulted in the decision to delay operation of new restoration beds at WSH.
22 While WSH's expansion of a civil and a forensic ward is on pause, the Department opened 30
23 beds for Competency Restoration treatment at Maple Lane. In preparation for such a
24 contingency, the Department laid the groundwork for Maple Lane early, including the
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1 initiation of permitting and labor processes. DSHS began the labor notification processes that
2 were necessary to allow contracting in May 2015. In June 2015 DSHS also posted notice in
3 local publications to begin the 90 public comment period as required to obtain a special use
4 permit for Maple Lane. DSHS also communicated with the appropriate county in June 2015 to
5 discuss zoning and permitting requirements. The Department also implemented statutory
6 changes that allow competency restoration to occur outside of the state hospitals. This
7 contingency planning enabled the Department to open Maple Lane in April 2016, instead of
8 much later in 2016.

10 8. In developing the program at Maple Lane, the Department made every effort to
11 ensure the treatment and programming were consistent with the second guiding principle from
12 the Long Term Plan that “changes implemented will maintain or improve the quality of
13 competency treatment services...so timeliness is not gained at the expense of quality.” The
14 Department has involved multiple staff, many with clinical or other experience relevant to the
15 development of mental health programs, to assist in the creation of this competency restoration
16 program. Considerable thought, planning and judgment has gone into its development.
17 Clinical professionals, administrators and department contractors have exercised significant
18 professional judgment to develop this competency restoration program.

21 9. In alignment with the Department’s competency restoration treatment programs
22 at the state hospitals, the central purpose of the program at Maple Lane is engaging patients in
23 active mental health treatment. As required during the contract negotiations, the Maple Lane
24 restoration facility is licensed by the Department of Health and has met the state residential
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treatment facility standards. The facility is also certified by Division of Behavioral and Health Recovery as a residential treatment facility.

10. The state hospitals do not have the ability to make up for a loss of beds on the second floor of Maple Lane. DSHS is already operating all 27 new Competency Restoration beds at Eastern State Hospital (12 of which had not originally been planned to come online until July 2017). There is not another state facility at which a competency restoration treatment program can be established. The result will be that class members will wait in jail for a longer period of time while safe, therapeutic treatment beds are vacant at Maple Lane.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct to the best of my knowledge.

Signed this 21st day of May, 2016, at Olympia, Washington.



CARLA REYES
Assistant Secretary
Behavioral Health Administration
Department of Social and Health Services

CERTIFICATE OF SERVICE

Beverly Cox, states and declares as follows:

I am a citizen of the United States of America and over the age of 18 years and I am competent to testify to the matters set forth herein. I hereby certify that on this 21st day of May 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

David Carlson: davide@dr-wa.org

Emily Cooper: emilyc@dr-wa.org

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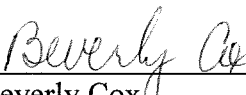
Christopher Carney: Christopher.Carney@CGILaw.com

Sean Gillespie: Sean.Gillespie@CGILaw.com

Kenan Lee Isitt: kenan.isitt@cgilaw.com

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this 21 day of May 2016, at Olympia, Washington.



Beverly Cox
Legal Assistant

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