

County appropriations

Criminal Justice Treatment Account (CJTA) administration

Engrossed Substitute Senate Bill 5187; Section 215(18); Chapter 475; Laws of 2023

September 30, 2023

Legislative reference

The Health Care Authority (HCA) is submitting this report as required by [ESSB 5187; Section 215\(18\)](#):

"The criminal justice treatment account-state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to [RCW 71.24.580](#). The authority must offer counties the option to administer their share of the distributions provided for under [RCW 71.24.580](#) (5) (a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to [RCW 71.24.580](#) (5)(b). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under [RCW 69.50.4013\(1\)](#). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. *The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2023.*"

Background

The Criminal Justice Treatment Account (CJTA) began in 2002 to help those involved in the criminal legal system access substance use disorder treatment. This funding was dedicated to supporting individuals with criminal charges who had an undiagnosed substance use disorder, an untreated substance use disorder, or both - including those enrolled in a drug court program.

County governments were responsible for administering the distribution of these funds since the funding mechanism was established. However, with the integration of behavioral health services in our state in 2016, funding supervision changed to the Behavioral Health Organizations (BHO) or the Administrative Service Organization (ASO), depending on the region and level of managed care integration. Many BHOs and ASOs began to contract with different providers than the counties used when they oversaw the funds. This change and organizational barriers caused difficulties with some regions and providers. For example, some drug court programs could no longer access the funds, which made it challenging to meet their clients' needs.

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Right of first refusal and option for County administration of CJTA allocations

2018

In 2018, the legislature, through [ESSB 6032; sec. 213 \(5\)\(oo\)](#), instructed HCA to provide the counties the option to reinstate their funding oversight (i.e., Right of first refusal). In response, HCA sent a letter to all county commissioners advising them of the legislature's intent and asking for a written response to the county's intentions. At that time, 22 Counties reported they would like to continue to have the BHO or ASO administer CJTA appropriations, and 17 Counties chose to contract directly with HCA to administer their CJTA funds through the County Government. It was noted in the 2018 report to the legislature that all the counties in Integrated Managed Care (IMC) regions at that time (Southwest and North Central regions) elected to take back administrative duties of CJTA funding.

2019

In 2019, the legislature, through [ESHB 1109; sec. 215 \(18\)](#), directed HCA to offer the counties again the option to administer their share of CJTA appropriations. HCA reached out to all county commissioners and, per the request of the Washington State Association of Counties, the County Human Service directors. In 2019, five additional counties chose to coordinate their CJTA appropriations: Lewis, Pacific, Wahkiakum, Klickitat, and Snohomish County. At the same time, Douglas County decided to revert to its previous arrangement by having the North Central Behavioral Health Administrative Service Organization (BH-ASO) administer its share of the CJTA appropriations. In 2020, San Juan County elected to coordinate its CJTA appropriations, and Klickitat chose to revert to its previous arrangement, having Southwest BH-ASO administer its share of the CJTA appropriations.

2021

In 2021, the legislature, through [ESSB 5092; sec. 215 \(17\)](#), directed HCA to facilitate the opportunity for County Governments and Human Service Directors to once again administer their share of CJTA appropriations. At the time of the request, no additional counties requested to contract directly with HCA for CJTA, and the prior biennium contractual relationships were maintained. The full legislative report can be found [here](#).

2023 Right of first refusal updates

This 68th legislature passed a biennial budget ([ESSB 5187; sec. 215 \(18\)](#)), which included a request for HCA to coordinate the opportunity for County governments to administer their allocations under the Criminal Justice Treatment Account. HCA sent a letter to County Commissioners and Human Service Directors in May 2023. Franklin County has subsequently requested to contract directly with HCA instead of its previous contract with the Greater Columbia BH-ASO. Grant County reverted to its prior arrangement with North Central BH-ASO administering its share of the CJTA appropriations. Another change during this process was when Lincoln County said they would close the Lincoln County Alcohol and Drug Center. Lincoln County indicated they would be contracting with Stevens County/Northeast Washington Alliance Counseling Services (NEWACS) to have NEWACS utilize Lincoln County's CJTA allocations to provide

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services for Lincoln County Residents. NEWACS is now the sole CJTA provider for Stevens, Ferry, and Lincoln County. Table 1 reflects the SFY24 allocation amounts and contracting authority for funding administration.

SFY 2024 allocations

Table 1 details the county breakdown of allotted CJTA funds for state fiscal year 2024. It also shows each county's response regarding the administration of CJTA funds. Image 1 visually represents where CJTA administration currently resides: ASO or County.

Table 1: The fiscal year 2024 CJTA allotment funding administrative preference

Region	Entity	Base	State Drug Court	Therapeutic Court Proviso	Total
Greater Columbia	ASO	585,618		628,683	1,214,301
-Asotin					
-Benton					
-Columbia					
-Garfield					
-Kittitas					
-Whitman					
-Yakima					
King	ASO	1,154,320	201,957	1,123,227	2,479,504
North Central	ASO	137,704		117,587	255,291
-Douglas					
-Grant					
Pierce	ASO	538,096	194,890	527,642	1,260,628
Salish	ASO	261,805	210,879	262,700	735,384
-Clallam					
-Jefferson					
-Kitsap					
Southwest	ASO	43,979		97,892	141,871
- Klickitat					
Spokane	ASO	465,659	127,103		592,762

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Region	Entity	Base	State Drug Court	Therapeutic Court Proviso	Total
-Adams					
-Pend Oreille					
-Spokane					
Chelan	County	68,221		57,618	125,839
Clark	County	270,600		233,152	503,752
Cowlitz	County	86,406	134,196	74,486	295,088
Ferry*	County	41,370		35,713	77,083
Franklin	County	61,132		53,100	114,232
Grays Harbor	County	77,610		66,834	144,444
Island	County	50,705		43,705	94,410
Lewis	County	68,814		59,351	128,165
Lincoln*	County	41,392		34,920	76,312
Mason	County	49,130		42,345	91,475
Okanogan	County	51,222		44,046	95,268
Pacific	County	44,497		38,264	82,761
San Juan	County	41,910		36,053	77,963
Skagit	County	98,824	86,269	85,200	270,293
Skamania	County	41,392		35,713	77,105
Snohomish	County	425,820		366,819	792,639
Stevens*	County	50,210		43,195	93,405
Thurston	County	151,621	87,706	130,606	369,933
Wahkiakum	County	39,840		34,352	74,192
Walla Walla	County	51,222		44,046	95,268
Whatcom	County	174,881		150,673	325,554
Total		5,174,000	1,043,000	4,467,922	10,684,922

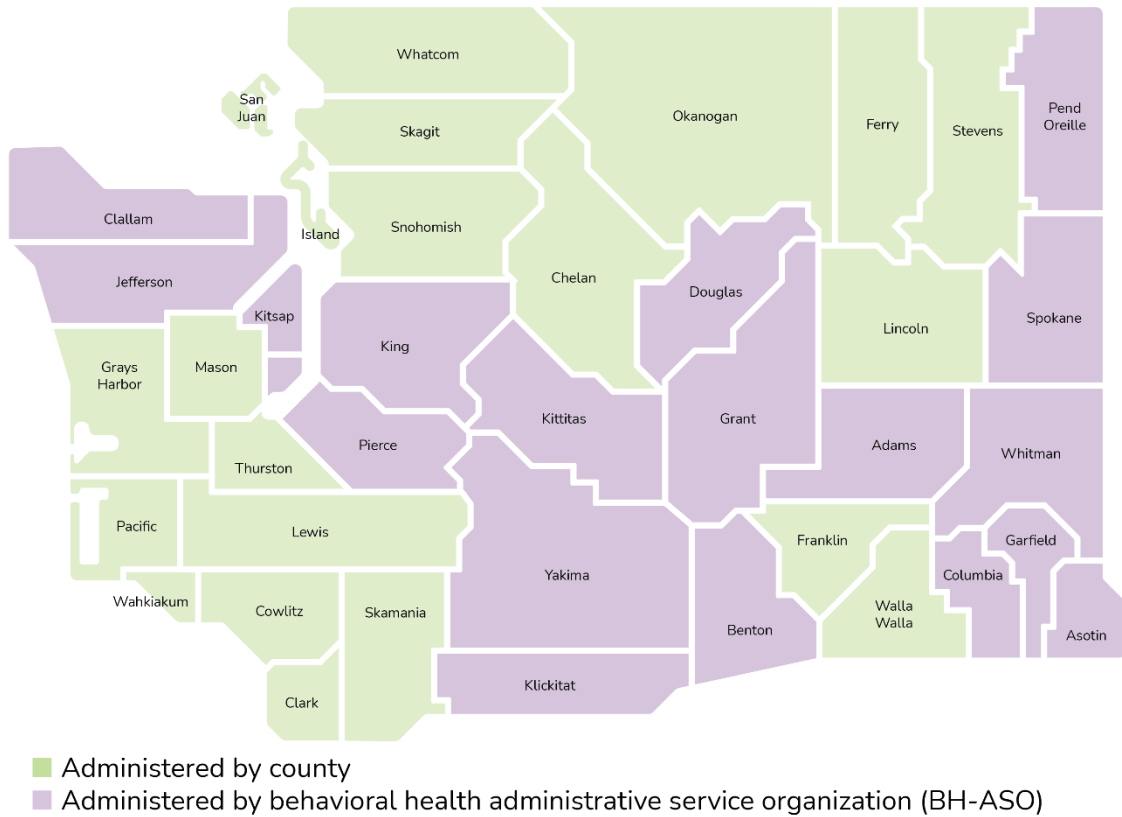
* Of note, Lincoln and Ferry resources are distributed through a contract with Stevens County

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Image 1: Criminal justice treatment account administration - 2023

Criminal Justice Treatment Account Administration — 2023



Conclusion

The CJTA has gone through several state-wide changes over the past several years. From the transition to BHOs in April 2016 to the staggered transition to Integrated Managed Care (IMC) starting January 1st, 2017, to responding to the *State v. Blake* supreme court decision in 2021, the landscape in which the facilitation of non-Medicaid, state-funded treatment has created unexpected barriers impacting the utilization of CJTA funding. The State Legislature has responded to these unexpected pitfalls by directing HCA to allow county legislative authorities to re-administer their share of this ongoing state funding. The historical shifts of CJTA administration point to the continuing need for flexibility at the state agency and local governmental level to ensure that Counties can enter into agreements that best meet the demands of their community. The closing of behavioral health facilities, the unstable workforce, and the fentanyl-fueled overdose epidemic have affected how we can engage with individuals who need compassionate care to address their substance use. Maintaining flexibility with this dedicated funding source ensures that HCA, in partnership with BH-ASOs and county governments, will continue to support the provision of

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substance use disorder treatment, treatment support, and recovery support services for individuals in the criminal legal system.