



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
1115 Washington Street SE, Olympia, Washington 98504-5010

April 4, 2020

Ms. Kimberly Mosolf
Director of the Treatment Facilities Program
Disability Rights Washington
315 5th Ave S., Suite 850
Seattle, WA 98104

Dear Kim,

Thank you for your letter. I want to start by assuring you that we share your concerns for patient safety at Eastern and Western State Hospitals. DSHS and hospital leadership, as well as the staff of our institutions, have been working around the clock to react to this quickly-evolving emergency. At this time, our objective is clear: reduce the number of patients so there are enough staff to care for patients and to minimize COVID related risks for patients and staff.

All of our facilities have been engaged in a number of patient-focused efforts to minimize the risk of exposure or infection from COVID-19. Oversight and guidance for these efforts is being provided at all levels of the Executive branch, including through the focused efforts of the Unified Command and the State- Emergency Operations Command Center. DSHS has utilized infectious disease experts to create and implement procedures and protocols, all with the goal of protecting the patients we care for, and the staff who provide that care.

We are also dealing with the reality that staff absences will impact our ability to provide care. Staff absences are greatly increased due to COVID-19, and we anticipate that this problem will, in all likelihood, grow. We have worked closely with the DOH in implementing effective, statewide strategies for state institutions and are strictly adhering to DOH guidelines for patient and staff screening for infection. This strict adherence means that staff who screen positive for any risk of COVID-19, COVID-19 exposure, or other infection risks like influenza, cannot provide care on our campuses. In order to further minimize exposure risk for our patient and staff populations, DSHS is complying with Governor Inslee's Stay Home, Stay Healthy initiative. DSHS has identified several hundred positions at WSH and ESH that are now redeployed to telework off campus. Additional announcements by the Governor could further impact staffing availability for DSHS. We care about our staff and our patients and want to minimize potential exposure to COVID-19.

Before receiving your letter, we had already begun an urgent process to reduce the patient population at WSH. We have asked our partners at the Health Care Authority (HCA) and our own DSHS Aging and Long Term Care Administration (AL TSA) to intensely focus on helping us reduce the patient population at WSH by 60 patients within a short period of time. . We began our efforts by focusing on patients who can be transferred from WSH to other community based inpatient care settings that can meet all of a patient's needs. For example, AL TSA is working to

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identify and move patients who are discharge ready, and need a level of care that involves an Adult Family Home, Enhanced Service Facility, nursing facility, or assisted living. HCA and AL TSA will continue to work together to provide effective wrap-around services for individuals discharged as part of this effort.

DSHS is also taking steps to slow admissions to WSH and is prepared to do so at other facilities as needed. Our efforts cannot be meaningful if patients are discharged only to be replaced by new patients arriving from many other high-risk settings. To achieve this, WSH is currently evaluating each admission to assess whether that admission can be diverted to a different setting. Some of these diversions are lateral in nature, and some patients will be admitted at ESH instead of WSH. Given the presence of COVID-19 within the patient population at WSH, this facility is the current priority of our efforts to reduce admissions.

We will also be reviewing the suggestions that you have provided in your letter. Some of the legal authority you reference is already being considered in our efforts—for each patient that can have their needs safely met in another setting, we will be reviewing the legal authority for their detention and exercising whatever legal authority available to us to effectuate the transfer or discharge. In addition, HCA continues to advocate for waivers to support increased flexibility within the Medicaid program. Several additional amendments have been completed beyond those mentioned in your letter, and the State is continuing to think creatively about how to access funding to support these critical efforts. We also appreciate the offer of help from Northwest Justice and others who represent this population, and we truly appreciate your involvement in identifying options.

I am also attaching a message that went out from Assistant Secretary Sean Murphy, of the Behavioral Health Administration, regarding this effort. The message provides additional information on our efforts.

This is an amazing effort by the State of Washington's health care delivery system. We are incredibly grateful and proud for all of the hard work that is happening to support this. Thank you for your continued advocacy for our patients, we are glad that we have a strong partnership in working towards solutions during these unprecedented times.

Fondly,



Cheryl Strange
Secretary

Attachment

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cc: Amber Leaders, Senior Policy Advisor, Office of the Governor
Christie Hedman, Executive Director, Washington Defender Association
Michele Storms, Executive Director, ACLU of Washington
Amy Hirota, Executive Director, WA Association of Criminal Defense Lawyers
Merf Elman, Executive Director, Columbia Legal Services
John Purbaugh, Managing Attorney, NJP Tacoma Office
Robert Hervatine, Interim Managing Attorney, NJP Spokane Office
Sujatha Jagadeesh Branch, Statewide Advocacy Counsel
Sue Birch, Director, Health Care Authority
MaryAnne Lindeblad, Medicaid Director, Health Care Authority
Bill Moss, Assistant Secretary, Aging & Long Term Care Administration, DSHS
Sean Murphy, Assistant Secretary, Behavioral Health Administration, DSHS
Nicholas Williamson, Assistant Attorney General
Angela Coats-McCarthy, Assistant Attorney General