



STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

MENTAL HEALTH DIVISION PO BOX 45320 OLYMPIA WA 98504-5320 (360)902-8070

Carole S. Willey BSW
P.O. Box 4326
Tumwater, Washington 98501

September 10, 2008

Dear Carole:

After reviewing your initial May 28, 2008 letter, the packet of information you provided on August 6, 2008 and the two face-to-face meetings we have had, the Mental Health Division does not find sufficient grounds to endorse your request for action. Specifically, you have requested the following:

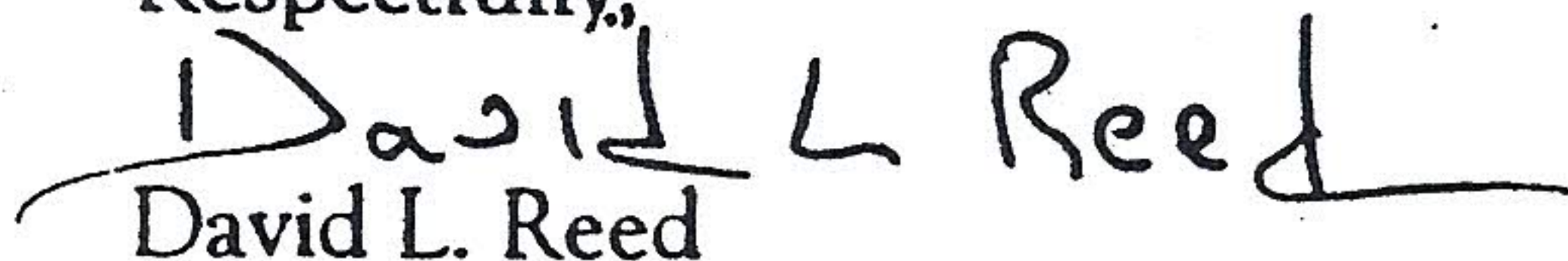
1. A statewide, formal, independent inquiry into the ITA process as it relates to "Constitutional Procedural Due Process" concerns.
2. A "Civil Commitment Task Force."
3. That the Mental Health Division develop, oversee and subsequently report to the legislature on a Corrective Action Plan regarding ITA implementation and "Constitutional Procedural Due Process" concerns.
4. That the Mental Health Division hire Carole Willey to participate in the Task Force and Corrective Action Plan implementation.

The documentation you have presented to the Mental Health Division is more than five years old and concerns a single RSN. The practices you have identified were subsequently rectified and represented a small portion of the detentions in the state.

I have sent you a copy of the *DMHP Protocols* which addresses many of your concerns. Attached to the *DMHP protocols* in Appendix I § 6 is a list of Washington State Case Law. By utilizing the website <http://www.legalwa.org/> you can review the listed legal decisions of Washington State Courts that have previously affirmed the constitutionality of RCW 71.05's due process provisions. Other concerns you have addressed are addressed by statute and are monitored by MHD licensure staff.

I look forward to meeting with you again to continue our discussion the ITA process as it is currently implemented in Washington.

Respectfully,


David L. Reed

Manager for Adult and Older Adult Services
Mental Health Division/HRSA

