

Yakima County Department of Human Services



# Behavioral Health Request for Information

April 14, 2023

## Contents

Section 1: RFI Overview .....	2
Introduction .....	2
Project Type Categories and Eligibility Requirements .....	2
Timeline.....	2
Technical assistance.....	2
Section 2: RFI Questionnaire.....	3
General Information .....	3
Project Details.....	3
Outcomes.....	3
Appendix A: Yakima County Corporate Counsel Analysis of RCW 82.14.460(3) .....	4

## Section 1: RFI Overview

### Introduction

The Human Services Department of Yakima County is seeking information from agencies interested in providing behavioral health services in Yakima County.

**THIS IS NOT A GRANT APPLICATION** – it is a tool for Yakima County to gather information to be used to plan and understand price, delivery, and industry capabilities as it relates to the use of the Mental Health Sales Tax.

If you have questions about this Behavioral Health RFI, please email the Department of Human Services at [HumanServices@co.yakima.wa.us](mailto:HumanServices@co.yakima.wa.us).

### Project Type Categories and Eligibility Requirements

Prospective programs must be allowable uses under [RCW 82.14.460](#). A white paper issued by Yakima County Corporate Counsel interpreting this RCW can be found in Appendix A of this document.

Prospective programs must also address one or more of the strategic priorities identified in the [2022 Yakima County Behavioral Health Systems Mapping Reports](#). A summary of all three reports, including priorities, can be found in [this document](#).

There are three areas of focus for the systems mappings:

- The **Criminal Justice Sequential Intercept Map** explores how individuals become involved with and flow through the criminal justice system.
- The **Homeless Response System Map** focuses on identifying and developing community-based responses to homelessness.
- The **Critical Intervention Map for Youth** focuses on supporting and making connections within the youth systems of care, considering all systems and institutions that serve youth.

Organizations may provide information for more than one program. **Organizations wishing to submit information for multiple programs are asked to fill out a separate RFI responses for each of the specific programs. A single program may address multiple priorities, or priorities within multiple systems maps. Separate RFIs should not contain overlapping content.**

### Timeline

The Human Services Department reserves the right to change any dates in the RFI timeline.

Event	Date
RFI requested by the Board of County Commissioners	Friday, March 31 <sup>st</sup> , 2023
RFI released	Friday, April 14 <sup>th</sup> , 2023
<b>RFI Deadline</b>	<b>Monday, May 1<sup>st</sup>, 2023</b>

### Technical assistance

Technical assistance can be requested directly from Human Service Department Staff. Help sessions can be provided via email, by phone, or in-person, and will be scheduled on a first-come, first-serve basis. Those requesting technical assistance are strongly encouraged to schedule appointments as early as

possible, to ensure availability of staff time. To schedule a help session appointment, contact the Department of Human Services at [HumanServices@co.yakima.wa.us](mailto:HumanServices@co.yakima.wa.us), or (509) 574-1365.

## Section 2: RFI Questionnaire

**In order to be considered, information is requested by Monday, May 1<sup>st</sup>, 2023, 11:59pm.**

Information must be submitted via [Jotform](#).

Organizations may provide information for more than one program. Organizations wishing to submit information for multiple programs are asked to fill out a separate RFI responses for each of the specific programs. A single program may address multiple priorities, or priorities within multiple systems maps. Separate RFIs should not contain overlapping content.

**The information provided is not a grant application**, it is a tool for Yakima County to gather information to be used to plan and understand price, delivery, and industry capabilities as it relates to the use of the Mental Health Sales Tax.

Jotform link: <https://form.jotform.com/230954720929160>

### General Information

1. Organization information (name, address, phone, fax, website)
2. Program/project name
3. Type of organization
4. Primary contact for application (name, title, phone number, email)

### Project Details

5. Describe the scope of the project, including the goals and how they will be achieved.
6. Does this project include any other partners?
  - a. If yes, please describe your partnership(s); including the name(s) of the organization(s), and the function of the partnership(s).
7. Is this a time-limited or ongoing project? If it is time-limited, what is your anticipated completion date?
8. What is the anticipated budget for this project? What amount would you anticipate requesting from Yakima County when the Behavioral Health RFP is released?
9. Describe how this project addresses (at least) one of the priorities identified in the [Yakima County Systems Mapping reports](#).

### Outcomes

10. What are the intended outcomes of the project?
11. How will you measure the effectiveness of your project, if awarded? What data will you collect, at what frequency will it be collected, and how will your program collect it?

## Appendix A: Yakima County Corporate Counsel Analysis of RCW 82.14.460(3)

### ***Analysis of RCW 82.14.460(3) Sales and use tax for chemical dependency or mental health treatment services or therapeutic courts.***

The following will detail what general acceptable uses sales tax revenue may be used from RCW 82.14.460(3). It is important to note that ultimately the Board of County Commissioners has the legal authority and power to decide the uses of this sales funding.

#### **RCW 82.14.460(3) Analysis:**

RCW 82.14.460(3) states:

(3) Moneys collected under this section must be used solely for the purpose of providing for the operation or delivery of chemical dependency or mental health treatment programs and services and for the operation or delivery of therapeutic court programs and services. Moneys collected by cities under this section may also be used for modifications to existing facilities to address health and safety needs necessary for the provision, operation, or delivery of chemical dependency or mental health treatment programs or services otherwise funded with moneys collected in this section. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, transportation, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service. Every county that authorizes the tax provided in this section shall, and every other county may, establish and operate a therapeutic court component for dependency proceedings designed to be effective for the court's size, location, and resources.

#### **Summary of RCW 82.14.460(3) allowable uses:**

RCW 82.14.460(3) provides guidance of what specific purposes the sales tax revenue may be used for. It provides that the funds must solely be used for the purposes of providing the following:

1. Chemical dependency treatment programs and services
2. Mental health treatment programs and services
3. Modification of existing chemical dependency or mental health facilities funded under this section.
4. The statute defines "programs and services" including but not limited to:

- A. Treatment services
- B. Case management
- C. Transportation
- D. Housing that is connected to chemical dependency or mental health programs.

5. The statute provides that this funding may also be used to establish and operate a therapeutic court component for dependency proceedings:

There is no reported case law on this RCW as far as interpreting it, but I believe that the statute is fairly clear what the funding may be used for. It must be used for mental health and/or chemical dependency programs and services.

It may also be used for such therapeutic courts that provide treatment services to clients. Some of these that would seem to be included would be the following:

- Traditional Drug Courts
- Mental Health Courts
- Juvenile Drug and/or Mental Health therapeutic courts.
- Potentially ITA courts due to mental health treatment.
- Potentially Community Courts, or Veteran's court, if they have a substantial treatment nexus with clients with mental health and/or chemical dependency behavioral health services.
- Other substantially related therapeutic courts if they have a substantial nexus with direct treatment of behavioral health/mental health and/or chemical dependency treatment components for clients.

While not specifically mentioned in the statute, I would believe that related programs and services that addressed "co-occurring" treatment of clients with both chemical dependency and mental illness treatment would also be authorized.

### **Treatment services:**

RCW 71.05.020 (the definition section regarding mental health treatment), provides numerous definitions of what several of these related service definitions are. Additionally, RCW 18.205.020 provides definitions for chemical dependency treatment. There are several other statutory definitions that may come into play with interrelated services. The intent of the sales tax statute though is to provide specific funding for treatment of clients that have chemical dependency and/or mental health/behavioral health disorders and treatment thereof.

### **Transportation:**

The transportation section of the RCW would seem to provide for a good-faith use for bus passes, gas vouchers, to clients for the use of travel to and from intensive outpatient treatment, group therapy and related services. (The travel should have a nexus to chemical dependency and/or substance abuse treatment).

It would seem reasonable that bus passes for example would be an allowable use to provide to clients receiving these services to be able to access public transportation to attend treatment services, court hearings, and/or other related services.

If gas vouchers were to be decided to be awarded, I would be very careful that they were given to clients that had valid driver's license and proof of insurance and that it be limited to reasonable gas vouchers for a client receiving services to be able to attend their appointments. Just blank gas vouchers would seem to potentially abuse the intent of this statute.

### **Housing:**

The housing section of the RCW seems to provide allowable uses for subsidized payments for clients to clean and sober housing, stability housing for relapses, and if it exists for mental health group housing or individual housing programs that are connected to treatment of clients.

The RCW also provides that funds could be used to rehabilitate and/or remodel and expand existing structures that would be primarily used for direct services under this RCW provision. The RCW specifically indicates existing structures so no new construction, or acquisition of properties could or should be used with this funding. The RCW also specifically limits use of these funds to sales taxes collected by cities. County Sales tax funds do not appear to be statutorily connected to this potential use.<sup>1</sup>

General homeless housing or housing of clients does not seem in my opinion to meet the statutory definition of the use of the funds. Specific housing ordered by a court

---

<sup>1</sup> There is currently a bill moving through the legislature that would change this – projects that involve building modifications may be eligible within a few months, and are still encouraged to submit information under this RFI.

judicial officer, and/or treatment provider such as clean and sober housing, and/or mental health treatment facilities and/or housing if that is available.

General rent subsidies and/or client home ownership mortgages, rent and/or new property acquisition does not appear to be an acceptable use of these funds.

**Therapeutic Court funding:**

The funding for therapeutic courts, would seem to include funding for the judicial officer, but also court staff and clerk's office staff to operate the therapeutic court. It would be also potentially a good faith use of the funds if some of the funding were also potentially used on other team members of the therapeutic courts. These could include partial funding for DPA's and defense council team members of the therapeutic court team, mental health and/or chemical dependency counselors and other related staff.

As an example for other funding streams, with related services, in the past with ITA funding with the BHO and RSN, Yakima County has received funding for all components of providing ITA treatment services for our region. We have successfully argued, and obtained funding that it should include costs for the Public Defender and Prosecuting Attorney and other team members. We have also done that previously with funding for Yakima County Drug Court with various state and federal grant funding agencies.

**Specific questions or grant funding requests:**

If Yakima County receives a specific question regarding a potential intended use of these funds, Corporate Counsel would be more than happy to evaluate any proposed use of the funds, and give my legal opinion if it would meet the legislative intent and statutory definitions to have a sufficient nexus for use of these funds. Without a specific question, though, this would be my general broad review of the authorized and intended uses of this RCW sales tax provision. The closer substantial and/or direct nexus to the intent of these funds as contained in the statutory definitions and plain meaning of the statute, the less risk that a finding by the SAO would occur. Also, from a good faith perspective, the statutory limitations of these funds seem to be to provide direct services to the clients, and to fund law and justice therapeutic

**courts with the intent of helping these clients with their behavior health disorders.** (emphasis added).