

Office of Civil and Forensic Mental Health Overview for Opioid and Other Substance Use Disorders Study Committee

Leora Joseph, Director
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COLORADO
Department of Human Services



Office of Civil and Forensic Mental Health

Mental Health Hospitals

Provide inpatient
behavioral health services
for civil and forensic
patients

Forensic Services

Provide evaluation,
treatment and case
management to the
forensic population
statewide

Mental Health Transitional Living Homes

Provide a less restrictive
setting for individuals with
severe mental health
conditions

Types of Patients

OCFMH serves two types of patients in our hospitals:

Civil Patients

Individuals who are committed by a civil court into the care of CDHS, whether voluntarily or involuntarily, because they have serious and persistent mental health conditions.

Forensic Patients

Individuals who are charged with a crime and have a mental or developmental disability that prevents them from assisting in their own defense or individuals who have been found not guilty by reason of insanity.

The Consent Decree

- CDHS was sued in 2011 for failure to provide timely competency evaluations and restoration treatment which has created a significant waitlist of pretrial detainees.
- CDHS has been subject to requirements resulting from the lawsuit since then and is currently under a 2019 consent decree.
- CDHS currently pays up to \$12 million/year in fees and fines for non-compliance and has paid a **total of \$28M so far.**

What is Competency?



Competency is a legal construct that refers to an individual's current capacity to function meaningfully and knowingly in a legal proceeding.

Competency services are about due process in criminal cases, *not* about holistic mental health treatment.

Competency is raised in situations where individuals actually need SUD treatment and/or treatment for SMI and not competency restoration. The Department does not control who is referred for a competency evaluation.

Competency and the Consent Decree

The **consent decree** requires OCFMH to, **within defined timelines...**

Complete inpatient
competency evaluations

We *are* in compliance with 21-day
timeframe for completing competency
evaluations.

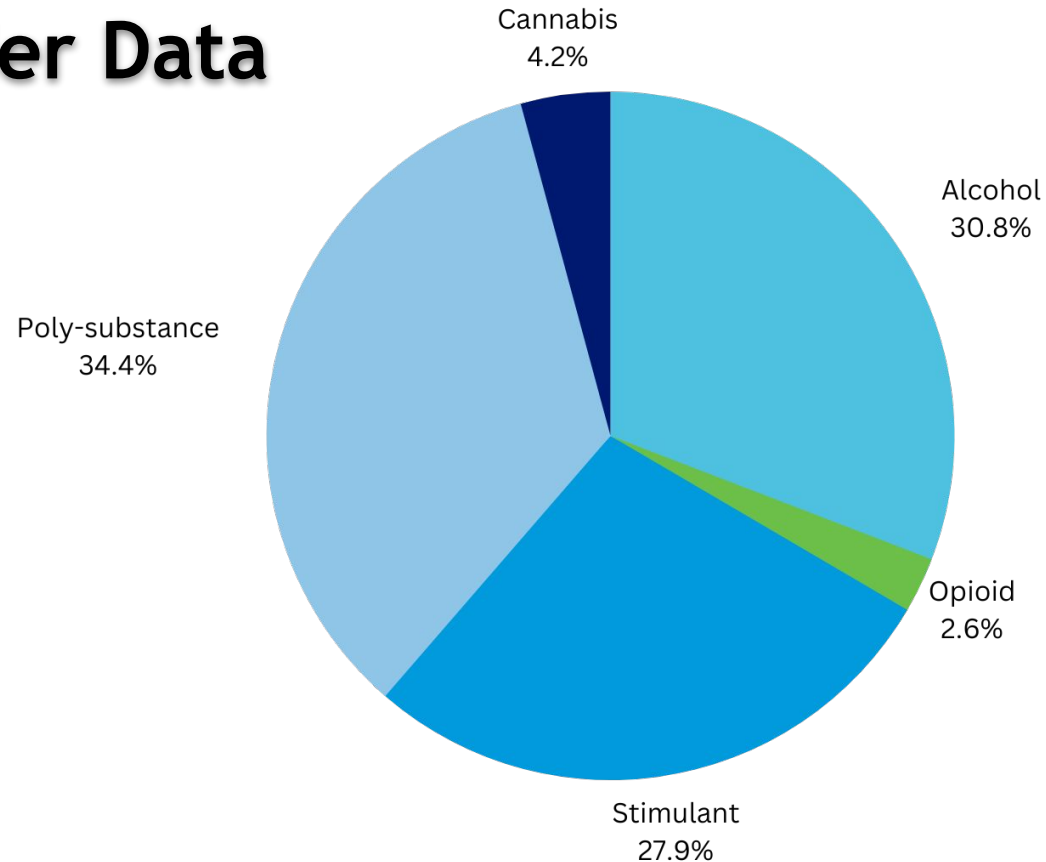
Admit pretrial defendants
for restoration services

We *are not* in compliance with
timeframes for admitting clients to
restoration services.

Current waitlist is ~460

Substance Use Disorder Data

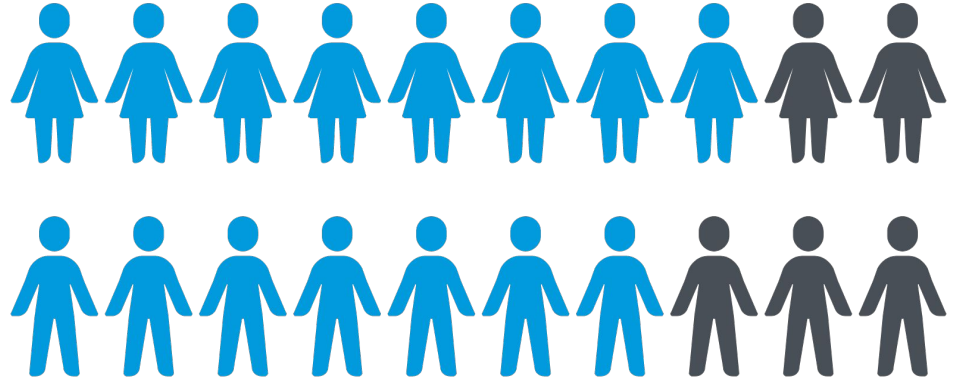
According to information collected by OCFMH in 2022, **56% of forensic clients had a confirmed diagnosis** of moderate to severe substance use disorder.



Drug Offenses & Competency

Between 2019 and 2020, the rates of individuals with drug offenses ordered for competency evaluations **increased by 200%.**

- **80%** of females ordered to competency in 2020-21 had at least one case filing that was a misdemeanor drug charge.
- **73%** of males ordered to competency had at least one case filing that was a misdemeanor drug charge.



OCFMH Strategies Related to SUD

Mental Health
Transitional Living Homes

SUD Case Managers
(Fines Committee funded)

House Bill 23-1153

Requesting re-evaluation in
competency cases

Mental Health Transitional Living Homes

Established by House Bill (HB) 22-1303 to provide residential behavioral health treatment to individuals with severe mental health conditions.

The MHTL Homes will provide a less restrictive level of care in a home-like environment.

Total of 125 beds; 24 in state run homes; remaining beds will be contracted.

Designed to serve individuals with SMI, co-occurring disorders (including SUD), criminogenic & behavioral factors, & involuntary short and long-term outpatient certification

Two levels of care, which will allow the MHTL Homes to provide individualized care across a spectrum of acuity.

Case Management

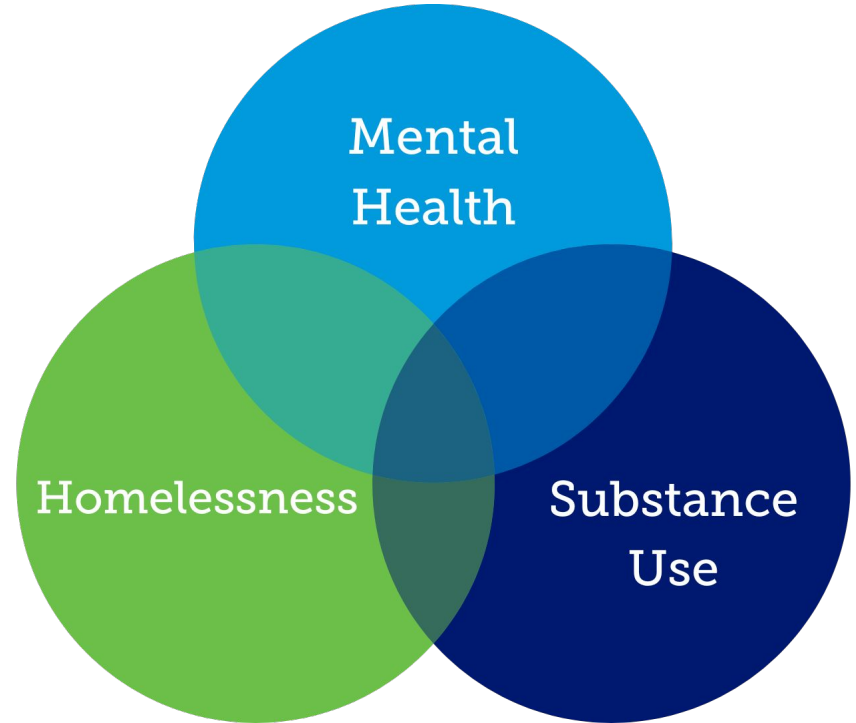
OCFMH worked with Mile High Behavioral Healthcare and Signal Behavioral Health to **fund and support two pre-release substance use disorder case managers**, who:

- provide participants with access to dual-diagnosis treatment,
- provide outpatient restoration,
- explore housing solutions,
- ensure medication consistency,
- help navigate community systems, and
- assist with benefits acquisition.

Upon release from incarceration, the clinical case managers stay involved with transitioning clients to ensure a strong community connection and engagement in both treatment and outpatient restoration.

House Bill 23-1153

Through HB 1153, the Department is tasked with hiring a vendor to study the intersection of mental health and homelessness and to determine the feasibility of establishing a system to support individuals with serious mental illness in accessing behavioral health care and housing support services.



Requesting re-evaluation

Individuals with a substance use disorder oftentimes become competent while waiting in jail due to not actively using substances. However, the Department currently does not have the authority to re-evaluate at any point if we believe there has been a change in acuity/competency.

- Only 34 of 220 clients in 2022-2023 had a re-evaluation granted.
- The 34 re-evaluations that OCFMH was allowed to complete resulted in 70% of the clients being opined competent or became bond eligible due to changes in acuity.



**Thank You
Questions?**

