

Department of Planning and Budget

2002 Fiscal Impact Statement

1. Bill Number: SB483

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Howell

3. Committee: Passed Both Houses

4. Title: Medical treatment of incapacitated persons.

5. Summary/Purpose: This bill expands the medical treatment statute that applies to incapacitated patients and residents of state mental health and mental retardation facilities to apply to incapacitated community services board consumers and to include dental treatment. A licensed health professional or licensed hospital will not be subject to liability arising from a claim based on lack of informed consent or be prohibited from providing services when a delay in treatment might adversely affect the recovery of an individual who has no guardian or committee and who is receiving community mental health services from a community services board or behavioral health authority if two physicians (or dentists in the case of dental treatment) document this in writing. This bill is a recommendation of the HJR 614 - Select Committee on Substitute Consent for People with Mental Disabilities.

6. No Fiscal Impact.

7. Budget amendment necessary: No

8. Fiscal implications: This bill, as a recommendation of HJR 614, was prompted because of the number of consumers with mental illness or mental retardation who are unable to make decisions for themselves and who have no guardian or substituted decision-maker. Often these consumers need medical or dental care that may not be an emergency but which significantly affects their health and safety. This bill would likely make it easier to obtain needed medical and dental services before they become medical emergencies and require more costly treatment. Although this bill expands the number of consumers and adds dental treatment, it is not anticipated there will be a significant increase in requests for medical and dental treatment. There is no fiscal impact anticipated from this bill.

9. Specific agency or political subdivisions affected: Department of Mental Health, Mental Retardation and Substance Abuse Services, Community Services Boards/Behavioral Health Authorities.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 2/22/02/jlv

Document: G:\02-04\Efis02\Sb483er.Doc Janet Vogelgesang

cc: Secretary of Health and Human Resources