

Department of Planning and Budget 2006 Fiscal Impact Statement

1. Bill Number: SB 35

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

2. Patron: Reynolds

3. Committee: Courts of Justice

4. Title: Insanity, not guilty by reason of; petition for temporary visit

5. Summary/Purpose: This bill requires the Department of Mental Health, Mental Retardation and Substance Abuse Service to petition and gain approval from the committing court each time a hospitalized NGRI (not-guilty-by-reason-of-insanity) acquittee is ready to leave the state hospital for community visits. It would allow a court hearing for the appropriateness of granting such a visit and also requires the Commissioner of DMHMRSAS to give written notification to the committing jurisdiction's Commonwealth's Attorney of the petition for authorization to leave the facility.

6. Fiscal Impact Estimates are: Preliminary

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2005-06	- 0 -	0.00	
2006-07	\$1,738,800	0.00	General Fund
2007-08	\$1,738,800	0.00	General Fund
2008-09	\$1,738,800	0.00	General Fund
2009-10	\$1,738,800	0.00	General Fund
2010-11	\$1,738,800	0.00	General Fund
2011-12	\$1,738,800	0.00	General Fund

7. Budget amendment necessary: Item 316, Program 430 (State Health Services)

8. Fiscal implications:

The projected increase in direct costs to the DMHMRSAS caused by this bill would be the average daily cost of a civil hospital forensic bed multiplied by the number of additional days it will take for an NGRI acquittee to reach each additional level of privileges, as a result of waiting for the courts to schedule and hold hearings for each privilege request of the type in question. The most relevant figures available in our forensic database indicate that an average increase in length of stay (LOS) of approximately 90 days would be necessary for each NGRI acquittee to complete his total period of hospitalization in the DMHMRSAS. This bill would add an additional 30 days for each community privilege level to the LOS of each NGRI acquittee, as a result of waiting for court hearings for community privileges.

The calculation of the increased costs to DMHMRSAS is based upon the average number of requests per year for the privilege levels targeted for additional court approval in Senate Bill 35. The numbers of awarded community privileges were used as the basis for estimating the direct fiscal impact. An average total of 126 community access privileges of all types was calculated from FY 2004 and 2005 data, the two full years since the new DMHMRSAS NGRI program has been in effect. The average wait times for a court hearing (30 days) was multiplied by 126, in order to estimate the total additional bed days per annum that would be needed to accommodate the provisions of SB 35 at our hospitals. That total of 3780 bed days was then multiplied by the June 30, 2005 average daily cost to house a forensic patient in a general psychiatric inpatient bed in a DMHMRSAS MH facility (\$460 per day), to determine the average cost per annum of the proposed bill. The estimated costs per annum are $126 \times 30 \text{ days} = 3,780 \text{ bed days} \times \$460 \text{ per day} = \$1,738,800$. Without additional resources, this equates to approximately 10 active DMHMRSAS mental health facility beds being taken out of use for general admissions, due to the prolonged stays of NGRI acquittees that would be caused by enactment of this bill. There may be some additional costs to local courts.

9. Specific agency or political subdivisions affected: DMHMRSAS, Local courts, Jails, Sheriffs' departments

10. Technical amendment necessary:

11. Other comments:

Date: 01/18/06/eee

Document: G:\Fy06 Legislation\Sb35.Doc Emily Ehrlichmann

cc: Secretary of Health and Human Resources