

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB499

House of Origin	<input type="checkbox"/>	Introduced	<input checked="" type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Hamilton

3. Committee: Courts of Justice

4. Title: Involuntary commitment; establishes new standard for outpatient commitment.

5. Summary: Involuntary commitment. Establishes expanded procedures for involuntary outpatient commitment

6. Fiscal Impact Estimates: Tentative

7. Budget Amendment Necessary: No

8. Fiscal Implications: The bill can be broken down into the following provisions.

AREAS OF NO FISCAL IMPACT

• **Technical amendments:**

There are various technical and clarifying amendments to HB499 Substitute. Those addressed directly in the substitute do not seem to add a significant change to the fiscal impact, as in the example of defining “responsible person” noted in 37.2-800.

• **Independent examination evaluation criteria expansion:**

No fiscal impact is noted here, however, potential increase in examiner costs may impact the Courts.

AREAS INCLUDED IN THE GOVERNOR’S BUDGET

• **Mandatory outpatient treatment – commitment and monitoring -\$0.4 million annually**

Similar to the original version of the legislation, this provision may increase CSB costs. The proposed language generally provides clarity about what is to happen when someone is ordered into MOT, with the focus being on preparation of the treatment plan, identification of providers, monitoring responsibilities, and obligations when there is non-compliance. Of the 20,000 commitment hearings each year, approximately 5% lead to mandatory outpatient treatment. It is not known how many additional individuals will be ordered into mandatory outpatient treatment because the availability of appropriate services is still limited in the community. Under the original bill, the Department of Mental Health, Mental Retardation and Substance Abuse Services estimated a maximum increase in the number of individuals committed under mandatory outpatient treatment at 3,750, at a cost of \$1.7 million, however the original bill included language changing the commitment standard that is not contained in the substitute. It is

unclear what the increase, if any, in MOT order would be, however for basic monitoring/outpatient treatment, the minimum cost would be approximately \$500 per person. If it is assumed that the cost of monitoring the individuals committed under the existing criteria, or approximately 720 per year, the minimum cost of the legislation would be \$360,000.

AREAS NOT INCLUDED IN THE GOVERNOR'S BUDGET

• Notification of Petitioner: \$100,000 annually

The notification of petitioner in 37.2-809, subsection J is estimated to take an additional one hour per case. With an estimated 2,000 cases of ECO's not converted to TDO's, multiplied by \$50.00 per one hour, equals \$100,000.

• Additional Reporting Requirements - \$ 1.5 million annually

- A. The most significant exception to the Introduced bill is in the procedures for mandatory outpatient treatment monitoring and follow-up beginning on line 349. DMHMRSAS estimates a total in the number of individuals committed under mandatory outpatient treatment at 720. (CMHLR: 1200 hearings per month @ 5% MOT.) HB 499 Substitute provides for MOT up to 90 days, it is assumed that the average length of time in MOT will be 60 days, requiring three reports (first report within 7 days of MOT order then every 30 days.) Given the provision for monthly reporting to the court, at an estimated time commitment of 6 hours per report, it is then estimated that 12,960 additional CSB hours would be required to adhere to this reporting expectation. At \$50 per hour, the cost to the CSB would be an additional \$648,000 annually.

(It should also be noted that under 37.2-817, subsection J, that the original order could be extended up to 180 days, requiring continued monitoring. These costs are not reflected in this analysis.)

- B. It is difficult to project an increase in the numbers found non-complaint with MOT, but it is estimated this could affect up to 10% of clients. This would then increase the overall Emergency Custody Order and Temporary Detention costs. Specific to CSB's, that is 72 more emergency prescreenings (4 hours) and hearings (4 hours) at an estimated cost of \$28,800.
- C. In addition, this bill allows the Court to hospitalize those in material non-compliance with an order for MOT which could increase hospitalization costs. Such persons are estimated to need hospitalization for an average of 15 days. This could result in an additional 1,080 bed days with an average cost of \$700 per bed day or \$756,000 per year. These costs cannot be absorbed within existing resources.
- D. Additional Court time:

Line 327 – CSB petition court for modification of plan – **2 hours** if person doesn't join, then if hearing needed **4 hours**

Line 341 – Petition court on transfer of responsibility, if person doesn't join then new hearing **4 hours**

Line 362 – If services not available – petition court and hearing – **4 hours**

Line 372 – No longer meets criteria and person doesn't agree, hearing needed – **4 hours**

Line 376 - Person petitions the Court for the purpose of having the MOT order vacated – **4 hours**

Line 380 – Extend order, person agrees (**1 hour**) – extend order, person disagrees – **4 hours**

Total time: 24 hours multiplied by an estimated 10% of cases @\$50/hour = \$86,400

9. Specific Agency or Political Subdivisions Affected: Department of Mental Health, Mental Retardation and Substance Abuse Services; Community Services Boards

10. Technical Amendment Necessary: No

11. Other Comments: There may also be increased costs to the Court, law enforcement, emergency department costs, and transportation due to requirements for additional hearings and evaluations.

Date: 2/15/2008

Document: G:\FY2008\FIS\Vtech\Agency FIS\HB499H2.Doc

cc: Secretary of Health and Human Resources