

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB559

House of Origin Introduced ___ Substitute ___ Engrossed
Second House ___ In Committee ___ Substitute ___ Enrolled

2. Patron: Bell

3. Committee: Courts of Justice

4. Title: **Emergency custody orders, temporary detention orders, and involuntary commitment; criteria.**

5. Summary: ECO, TDO, involuntary commitment; criteria. Changes the criteria for emergency custody orders, temporary detention orders, juveniles and involuntary commitment, including how that criteria is applied to prisoners and juveniles, so that a person may be taken into custody, temporarily detained, or involuntarily committed if the person is mentally ill and there exists a substantial likelihood that the person will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening such harm or has been proven to be so seriously mentally ill as to be unable to care for himself. Commitment hearings; petitioner right to appeal.

6. Fiscal Impact Estimates: Tentative

7. Budget Amendment Necessary: Item 316, Grants to Localities

8. Fiscal Implications: This bill replaces only the ‘imminent danger’ prong of the current civil commitment standard, and not the ‘inability to care for self’ prong. This leaves one-half of the current standard in place. The existing standard is widely acknowledged to be poorly articulated, poorly understood and poorly implemented in practice. In addition, the new language includes the additional phrase “or any other behavior that indicates that the person may cause serious physical harm to himself or others” to articulate the basis for a determination of “substantial likelihood of serious physical harm”. This would have the effect of widening (or lowering) the standard, which will cause more people to meet the standard.

The Department of Mental Health, Mental Retardation and Substance Abuse Services was unable to estimate the number of new commitments that would result from this provision, however it is likely that the broadened criteria will increase the number of civil commitments, currently estimated at around 10,000 per year. Without accompanying language related to strengthening mandatory outpatient treatment, as proposed in HB499, the effect could be exacerbated as individuals will be committed to costly institutions.

The Governor’s introduced budget added \$8.8 million for 106 case managers to phase in increased case management capacity. Also included is \$4.2 million for emergency clinicians to improve communication, coordination and follow-through with the commitment hearing

outcomes and \$4.5 million for outpatient clinicians to address delays in accessing outpatient mental health services. The intent of this bill's proposed amendments could be addressed with funds added by the Governor's introduced budget. However, given that the commitment standard is broader in HB559 than the standard proposed in HB 499/SB 246, costs are likely to exceed the appropriations included in the Governor's budget for the increased community services described above.

9. Specific Agency or Political Subdivisions Affected: CSBs, DMHMRSAS, Courts

10. Technical Amendment Necessary: No

11. Other Comments: Similar provisions are found in HB499 and SB246, the comprehensive reform bill.

Date: 1/22/2008 dpb

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cc: Secretary of Health and Human Resources