

## Department of Planning and Budget 2012 Fiscal Impact Statement

1. **Bill Number:** HB 476
- |                        |                                       |  |                                    |
|------------------------|---------------------------------------|--|------------------------------------|
| <b>House of Origin</b> | <input type="checkbox"/> Introduced   | <input checked="" type="checkbox"/> Substitute | <input type="checkbox"/> Engrossed |
| <b>Second House</b>    | <input type="checkbox"/> In Committee | <input type="checkbox"/> Substitute            | <input type="checkbox"/> Enrolled  |
2. **Patron:** Albo
3. **Committee:** Courts of Justice
4. **Title:** **Mandatory outpatient treatment hearing prior to release from commitment**
5. **Summary:** Provides that prior to the release of a person who has been involuntarily admitted or who has been the subject of a temporary detention order and chose to voluntarily admit himself, a hearing shall be held, upon the motion of the treating physician, a family member or personal representative of the person, or the community services board, to determine whether such person should be ordered to mandatory outpatient treatment upon release if such person has been involuntarily admitted or has been the subject of a temporary detention order and chose to voluntarily admit himself on at least two previous occasions within 36 months preceding the hearing. The hearing shall be held within 72 hours from the time the motion is received by the district court or special justice.
6. **Budget Amendment Necessary:** See fiscal implications below.
7. **Fiscal Impact Estimates:** Indeterminate
8. **Fiscal Implications:** This bill adds language to allow a motion to be filed requesting a hearing prior to discharge of any person voluntarily or involuntarily admitted to a state facility on at least two prior occasions. The hearing is to determine whether the person should be ordered to mandatory outpatient treatment (MOT). The hearing proposed in this bill is a new hearing not in current law. This new procedure will increase the number of hearings and associated costs for hearings. Currently, each hearing costs Virginia courts a minimum of \$236.25 for the special justice, attorney, and independent evaluator (this figure excludes travel and other costs or fees, and costs of witnesses or interpreters). In addition, each hearing will require a new face-to-face preadmission screening examination by a Community Services Board.

In FY2011, there were 12,399 involuntary inpatient admissions, and 4,964 voluntary admissions pursuant to a commitment hearing. It is not known how many of these 17,363 involuntary and voluntary admissions have a history that could potentially subject them to the provisions of this bill, but the number could be substantial.

The number and cost of hearings resulting from this bill cannot be accurately projected, but they could be significant.

**9. Specific Agency or Political Subdivisions Affected:** Department of Behavioral Health and Developmental Services, Virginia Courts, CSBs

**10. Technical Amendment Necessary:** No.

**Date:** 02/22/2012

**Document:** G:\FY2012\FIS\HB476h1.doc

c: Secretary of Health and Human Resources