

Department of Behavioral Health and Developmental Services 2014 Fiscal Impact Statement

1. Bill Number: HB86

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

2. Patron: Stolle

3. Committee: Passed Both Houses

4. Title: Inpatient psychiatric hospital admission from local correctional facility; criteria.

5. Summary: This bill repeals the sunset clause (July 1, 2014) in §19.2-169.6 to make permanent the changes enacted in 2012 (HB 1280) to expand the criteria for inpatient psychiatric hospital admissions from local correctional facilities. Specifically, “*(b) suffer serious harm due to his lack of capacity to protect himself from harm as evidence by recent behavior and any other relevant information*” as a criterion to hospitalize an inmate for psychiatric treatment. For context, the full criteria are as follows:

§ 19.2-169.6. (Effective until July 1, 2014) Inpatient psychiatric hospital admission from local correctional facility.

A. Any inmate of a local correctional facility who is not subject to the provisions of § 19.2-169.2 may be hospitalized for psychiatric treatment at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge if:

1. The court with jurisdiction over the inmate's case, if it is still pending, on the petition of the person having custody over an inmate or on its own motion, holds a hearing at which the inmate is represented by counsel and finds by clear and convincing evidence that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or *(b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information*; and (iii) the inmate requires treatment in a hospital rather than the local correctional facility.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: See fiscal implications below.

8. Fiscal Implications: On July 1, 2012 §19.2-169.6 of the Code of Virginia was amended to include lack of capacity to protect oneself from harm as an admission criteria for inpatient psychiatric admission for inmates housed in local jails/detention centers.

To date, these new admissions have been paid for out of current appropriations. If there is an increase in admissions to DBHDS facilities, additional funding would be required. These estimates are based on the data available.

In FY 2013, there were 25 individuals admitted solely because of this reason (meaning they did not meet one of the other, pre-existing criteria). In FY 2013, there were 251 state hospital admissions (compared to 234 admissions in FY 2012) pursuant to §19.2-169.6. Thus 10 percent of these admissions have been directly related to addition of the new criteria of the code. To date, these “new” admissions have accounted for 835 bed days.

Based on an estimated average DBHDS bed cost of \$683 per day, the cost of treating these “new” admissions was \$570,305. Existing resources were used for the inpatient hospitalizations. This cost estimate does not take into consideration the costs to CSBs to pre-screen these admissions, the cost to employ magistrates to issue ECOs, nor the cost of conducting commitment hearings. Based on this data projections can be made on the number of pre-screen admissions and court costs.

	HOURS	COST PER HOUR	TOTAL	# OF CASES	
PRESCREENING	3	75	\$ 225	25	\$ 5,625
	COST PER HEARING	NUMBER OF HEARINGS			
COURT COSTS	236.25	2	\$ 473	25	\$ 11,813
\$683 Bed Day Estimate (Based on most recent data FY 2013)					\$ 570,305
TOTAL					\$ 587,743

9. Specific Agency or Political Subdivisions Affected: CSBs, Law Enforcement

10. Technical Amendment Necessary: None

11. Other Comments: No