

**Department of Behavioral Health
and Developmental Services
2015 Fiscal Impact Statement**

1. Bill Number: SB 1270

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

2. Patron: Deeds

3. Committee: Courts of Justice

4. Title: Civil admission process; alternative transportation.

5. Summary: This bill provides that when the employee or designee of a local community services board who is conducting the evaluation of an individual required for the issuance of a temporary detention order into a facility for the treatment of mental illness and finds that the individual (i) has a mental illness, (ii) needs treatment in such a facility, (iii) lacks the capacity to consent to admission to the facility, and (iv) has designated an agent or has a guardian who has the authority to consent to the individual's admission, the evaluator shall contact the agent or guardian and determine whether the agent or guardian authorizes the person's admission to such a facility. If the agent or guardian authorizes the person's admission, the evaluator shall request the magistrate to issue a transportation order providing for the transport of the person to the facility by law enforcement or an alternative transportation provider. The bill also authorizes such employee or designee of a local community services board to be a capacity reviewer for purposes of determining whether a person who has executed an advance directive is incapable of making an informed decision in regard to mental health care, including his admission to a facility for the treatment of mental illness. Current law allows only a licensed physician or a clinical psychologist to act as a capacity reviewer. The provisions of the bill only apply in those localities in which the State Board of Behavioral Health and Developmental Services has established a pilot program. The bill provides that any pilot program established by the Board shall commence on July 1, 2016, and that the Board shall report on the implementation and effectiveness of the pilot program no later than November 30, 2017. The provisions of the bill expire on July 1, 2018.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: See below.

8. Fiscal Implications: This bill proposes a pilot program that allows CSB evaluators the authority to authorize the use of transportation alternatives, such as a parent, legal guardian, Community Services Board representatives, or alternative transportation providers to be utilized in lieu of law enforcement representatives when executing an Emergency Custody Order (ECO). Currently, only magistrates have the authority to make such determinations.

Depending on whether the CSB evaluator decides that alternative transportation is appropriate and which form of alternative transportation is used on a case-by-case basis; this bill could result in a fiscal impact in the form of general fund spending or savings. For example, if an evaluator determined that it was satisfactory for the parent or legal guardian of an individual under an ECO to provide transportation, the result is a reduced burden on the

law enforcement agency who would otherwise be required to provide transportation. According to the latest Bureau of Labor Statistics (BLS) data, the mean hourly wage of a Police or Sheriff's Patrol Officer in the Commonwealth of Virginia is \$24.48.

On the other hand, if the evaluator decided that an alternative transportation company with vehicles equipped for appropriate transportation of an individual under an ECO was more appropriate than law enforcement transportation; this could result in a fiscal impact in the form of increased spending. Alternative transportation services charge flat fees for each trip plus added charges based on mileage. The current standard IRS rate for reimbursement per mile is \$0.56, so a trip spanning 20 miles would cost \$11.20 before the flat rate and any additional costs added by the service. Depending on the length of the trip, this cost could significantly surpass the comparative cost of utilizing law enforcement transportation options.

Furthermore, this legislation could result in the expedited transfer of an individual under an ECO from a CSB to a state facility. While there may be savings in transferring that individual more expeditiously, this could be offset by the cost of the additional time spent in the state facility.

9. Specific Agency or Political Subdivisions Affected: Community Services Boards, State Hospitals, Law Enforcement, Courts of Justice

10. Technical Amendment Necessary: No.

11. Other Comments: None.