

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: SB567

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: Barker, George L.

3. Committee: Passed Both Houses

4. Title: Temporary detention; notice of recommendation; communication with magistrate.

5. Summary: Provides that the magistrate conducting a temporary detention hearing shall consider, if available, information provided by the person who initiated emergency custody. The bill also requires the community services board evaluating a person for temporary detention, if the evaluator recommends that the person not be subject to temporary detention, (i) to notify, if present, the person who initiated emergency custody of such recommendation in addition to the current obligation to notify the petitioner and an onsite treating physician; (ii) to promptly inform the person who initiated emergency custody that the community services board will facilitate communication between such person and the magistrate if such person disagrees with the recommendation of the community services board; and (iii) to arrange for the person who initiated emergency custody to communicate, upon request, with the magistrate as soon as practicable prior to the expiration of the period of emergency custody. Finally, the bill imposes a duty on health care providers providing services to a person subject to emergency custody, temporary detention, or involuntary admission proceedings to make a reasonable attempt to notify the person's family member or personal representative and clarifies that such representative includes an agent named in an advance directive; currently, such health care provider has discretion as to whether to make such notification.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Minimal impact.

8. Fiscal Implications: The substitute bill requires that Community Services Boards facilitate the involvement of the person who initiated an emergency custody order in the temporary detention order process. Because the substitute bill limits the involvement to the person who initiated an emergency custody order, the impact to CSBs should be minimal. However, if the involvement of the additional parties results in a greater number of individuals being recommended for temporary detention, the pressure on state facilities to accommodate new TDOs will be exacerbated. Concurrently, any increase in the number of TDOs issued would impact expenditures from the Involuntary Mental Commitment Fund.

9. Specific Agency or Political Subdivisions Affected: Department of Behavioral Health and Developmental Services, Community Services Boards, Courts of Justice

10. Technical Amendment Necessary: No.