

## **Department of Planning and Budget**

### **2021 Fiscal Impact Statement**

**1. Bill Number:** HB1874 H1

**House of Origin**    ☐ Introduced        ☒ Substitute        ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute        ☐ Enrolled

**2. Patron:** Coyner

**3. Committee:** Committee on Health, Welfare and Institutions

**4. Title:** Behavioral health assessments in local correctional facilities.

**5. Summary:** Under current law, the State Board of Local and Regional Jails' minimum standards for local correctional facilities and lock-ups, health inspections, behavioral health services inspections, and personnel must include i) behavioral health screening and assessment of individuals committed to local correctional facilities and ii) the provision of behavioral health services in local correctional facilities, as well as regulations directing the sharing of medical and mental health information and records in accordance with § 53.1-133.03 (Exchange of medical and mental health information and records).

The substitute bill adds a requirement for referring individuals committed to local correctional facilities to a behavioral health service provider for a behavioral health assessment when a behavioral health screening indicates reason to believe the person may have mental illness. The bill also provides that requirements related to behavioral health screenings and assessments must include a requirement that in cases in which there is reason to believe an individual is experiencing acute mental health distress or is at risk for suicide, (a) staff of the local correctional facility must consult with the behavioral health service provider to implement immediate interventions and must provide ongoing monitoring to ensure the safety of the individual and (b) the behavioral health assessment must be completed within 72 hours of completion of the behavioral health screening. However, if the 72-hour period ends on a day that is a Saturday, Sunday, or legal holiday, the assessment must be completed by the close of business on the next day that is not a Saturday, Sunday, or legal holiday.

The substitute bill also requires that the State Board of Local and Regional Jails review the behavioral health screening and assessment process for individuals committed to local correctional facilities to (i) identify barriers to ensuring that all behavioral health assessments are completed within 72 hours of completion of the behavioral health screening and (ii) develop recommendations for addressing those barriers to ensure that all behavioral health assessments are completed within 72 hours of completion of the behavioral health screening in local correctional facilities. The Board must report its findings and recommendations to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Committees on Health, Welfare and Institutions and Public Safety and the Senate Committee on Rehabilitation and Social Services by October 1, 2021.

**6. Budget Amendment Necessary:** Indeterminate

**7. Fiscal Impact Estimates:** Preliminary. See line 8 below.

**8. Fiscal Implications:** The Department of Corrections (DOC) provides staff support to the Board of Local and Regional Jails, including data analysis, reporting, and administrative functions. The DOC expects to be able to absorb the costs associated with establishing the required standards and conducting the study required in the substitute bill within its existing budget. This bill is not expected to have a material fiscal impact on the Compensation Board. The bill's fiscal impact on the Department of Behavioral Health and Developmental Services is not known at this time.

This bill is not expected to have an impact on Courts or the Criminal Fund.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, Local and regional jails, Department of Behavioral Health and Developmental Services

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None