Department of Planning and Budget
2023 Fiscal Impact Statement

1. **Bill Number:** SB1299

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

2. **Patron:** Deeds

3. **Committee:** Passed Both Houses

4. **Title:** Involuntary admission; release of individual.

5. **Summary:** Permits the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to release the person if an employee or a designee of the local community services board, in consultation with the person's treating physician, (i) conducts an evaluation of the person, (ii) determines that the person no longer meets the commitment criteria, (iii) authorizes the release of the person, and (iv) provides a discharge plan.

6. **Budget Amendment Necessary**: No.

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

8. **Fiscal Implications:** The Senate engrossed version of the bill provides a path for the release of an individual under a temporary detention order (TDO) currently awaiting transport to the designated facility of temporary detention prior to the expiration of the temporary detention order if the individual has been evaluated by an employee or designee of the local community services board, in consultation with the person's treating physician, and has been found to no longer meet the commitment criteria. The employee or designee of the community services board must authorize the release of the person and provide a discharge plan for their release.

   This change may increase the workload for community services boards, as it may result in additional evaluations to be performed by CSBs. Additionally, the language states that a CSB must include a discharge plan for the release of an individual who has been found to no longer meet commitment criteria but does not specify necessary provisions of such discharge plan; therefore, it is unknown the extent to which this provision may result in additional costs to community services boards.

   This legislation may result in a reduction of the number of individuals admitted to a state facility through a temporary detention order if they are evaluated by a CSB employee or designee and found to no longer meet the criteria for detention while they are awaiting transport.

Currently, only the director of the facility that has been designated as the facility of temporary detention is permitted to release an individual prior to a commitment hearing for involuntary admission if an evaluation conducted by a psychiatrist or clinical psychologist finds that the individual no longer meets the commitment criteria specified in subsection C of 37.2-817. Allowing directors of non-TDO facilities (likely emergency rooms) where an individual is awaiting transport to the designated facility of temporary detention may result in a release prior to admittance at a state hospital. The number of individuals who no longer meet commitment criteria while awaiting transport is not available, therefore the number of commitments that may be averted is unknown.

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

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

11. **Other Comments:** This bill is similar to HB1976.