

## Department of Planning and Budget 2008 Fiscal Impact Statement

**1. Bill Number** HB 1491

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron**    Nutter

**3. Committee** Courts of Justice

**4. Title**    Temporary detention orders; shall not exceed 96 hours.

**5. Summary/Purpose:** The bill increases the maximum duration of a temporary detention order from 48 hours to 96 hours.

**6. Fiscal Impact Estimates are:** Final.

### Expenditure Impact:

(Item 304, Service Area 32107) TDO program:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2009	\$ 7,398,062	N/A	GF
2010	\$ 8,248,839	N/A	GF
2011	\$ 9,197,456	N/A	GF
2012	\$ 10,255,163	N/A	GF
2013	\$ 11,434,507	N/A	GF
2014	\$ 12,749,475	N/A	GF

(Item 306, Service Area 45609) TDOs within Medicaid:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2009	\$ 553,089	N/A	GF
2009	\$ 553,089	N/A	NGF
2010	\$ 616,695	N/A	GF
2010	\$ 616,695	N/A	NGF
2011	\$ 687,615	N/A	GF
2011	\$ 687,615	N/A	NGF
2012	\$ 766,690	N/A	GF
2012	\$ 766,690	N/A	NGF
2013	\$ 854,860	N/A	GF
2013	\$ 854,860	N/A	NGF
2014	\$ 953,169	N/A	GF
2014	\$ 953,169	N/A	NGF

Total Fiscal Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2009	\$ 7,951,152	N/A	GF
2009	\$ 553,089	N/A	NGF
2010	\$ 8,865,534	N/A	GF
2010	\$ 616,695	N/A	NGF
2011	\$ 9,885,070	N/A	GF
2011	\$ 687,615	N/A	NGF
2012	\$ 11,021,853	N/A	GF
2012	\$ 766,690	N/A	NGF
2013	\$ 12,289,367	N/A	GF
2013	\$ 854,860	N/A	NGF
2014	\$ 13,702,644	N/A	GF
2014	\$ 953,169	N/A	NGF

7. **Budget amendment necessary:** Yes, Item 304 (Service Area 32107) and Item 306 (Service Area 45609).

8. **Fiscal Implications:** There are three populations that could be affected by this proposed bill. The first population is made up of individuals who are not enrolled in Medicaid at the time of the temporary detention order (TDO). The claims from this population are paid 100 percent from the general fund. The second population is made up of those enrolled in Medicaid Fee for Service (FFS) at the time of their TDO. For those enrolled in Medicaid, their claims are paid 50 percent from the general funds and 50 percent from federal funds. The third population consists of recipients enrolled in a Managed Care Organization through Medicaid. The costs associated with this group are covered under capitation payments and are calculated as a factor of FFS units. Capitation payments are also paid 50 percent from the general funds and 50 percent from federal funds.

Currently, the maximum number of hours before a hearing is limited to 48. By reviewing previous claims information, the Department of Medical Assistance Services (DMAS) determined that over 48 percent of TDOs do not reach the maximum and had an average length of stay estimated to be 1.46 days. DMAS expects this percentage of TDOs to remain constant. The remaining 52 percent had lengths of stays of 48 hours (2 days) or greater due to weekends and holidays. For the population of TDOs with stays less than two days, this estimate does not assume an increase in average length of days. For the population with average lengths of stays equal to or greater than two days, an additional two days are assumed. Using this methodology, the estimate for the average number of days for both populations is 2.49 days.

DMAS identified the cost of TDOs to be approximately \$881 per average length of stay during FY 2008. By reviewing claims information, growth rates of the number of TDOs per year and the average cost per TDO were calculated and applied. The difference between the forecast of TDO costs without the additional days and the forecast of TDO costs with the anticipated additional days resulted in the calculated fiscal impact.

**9. Specific agency or political subdivisions affected:** Department of Medical Assistance Services.

**10. Technical amendment necessary:** None.

**11. Other comments:** No.

**Date:** 1/30/08 / mst

**Document:** G:\Ga Sessions\2008 Session\Fis\Hb1491.Doc  
cc: Secretary of Health and Human Resources