

Department of Planning and Budget 2009 Fiscal Impact Statement

1. Bill Number: SB1051

House of Origin	<u>X</u>	Introduced	<u> </u>	Substitute	<u> </u>	Engrossed
Second House	<u> </u>	In Committee	<u> </u>	Substitute	<u> </u>	Enrolled

2. Patron: Whipple

3. Committee: Education and Health

4. Title: **Mental health; admission to a facility by an agent or guardian.**

5. Summary: Mental health; admission to a facility by an agent or guardian. Allows an agent appointed in an advance directive or a guardian to admit an incapacitated person to a mental health facility for no more than 10 calendar days if (i) prior to admission, a physician on the staff of or designated by the proposed admitting facility examines the person and states, in writing, that the person (a) has a mental illness, (b) is incapable of making an informed decision regarding admission, and (c) is in need of treatment in a facility; (ii) the proposed admitting facility is willing to admit the person; and, either (iii) the person has executed an advance directive in accordance with the Health Care Decisions Act (§ 54.1-2981 et seq.) authorizing the agent to consent to his admission to a facility and he is not protesting such admission; or (iv) the guardianship order specifically authorizes the guardian to consent to the admission of such person to a facility.

6. Fiscal Impact Estimates: No fiscal impact

7. Budget Amendment Necessary: No

8. Fiscal Implications: None

9. Specific Agency or Political Subdivisions Affected: Department of Mental Health, Mental Retardation and Substance Abuse Services

10. Technical Amendment Necessary: No

11. Other Comments: This bill is a companion to HB 2062.

Date: 1/21/2009 dpb

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cc: Secretary of Health and Human Resources