

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: SB 85

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Howell

3. Committee: Courts of Justice

4. Title: Temporary detention order; hearing after execution

5. Summary: This bill requires that an involuntary mental commitment hearing be held between 24 hours and 72 hours after the execution of the temporary detention order. Under current law the hearing must be held within 48 hours after execution of the order.

6. Fiscal Impact Estimates:

Expenditure Impact:

(Item 295, Service Area 32107)

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2011	\$2,136,583	N/A	GF
2012	\$2,714,524	N/A	GF
2013	\$2,754,351	N/A	GF
2014	\$2,787,090	N/A	GF
2015	\$2,819,829	N/A	GF
2016	\$2,852,598	N/A	GF

7. Budget Amendment Necessary: Yes, Item 295, Service Area 32107, SB 30.

8. Fiscal Implications: The fiscal impact is based on an external analysis conducted by the Mental Health Law Reform Commission using Department of Medical Assistance Services (DMAS) data and local Community Services Boards data for Fairfax and Highlands. The analysis determined about 45 percent of hearings currently occur after 48 hours of the execution of a temporary detention order (TDO). Based on DMAS' recipient eligibility records and claims remittances, the department found seven percent of TDOs had same day hearings, 23.3 percent had hearings the following calendar day, 49.2 percent had hearings two days after execution of the TDO. The remaining (20.5 percent) TDOs had hearings that extended longer than two days.

This impact statement assumes that the percentage of TDOs with same day hearings would continue to have same day hearings. TDOs that are currently having hearings the following day would see increased numbers of days, generally one day, but in many cases more than one day. For example, as a result of the proposed legislation, TDOs that have been initiated on Thursdays and currently have hearings on Friday would instead have hearings on a Monday.

DMAS calculated the average number of additional days of TDOs that currently take place one day after the hearing and found the impact of this legislation will be 1.56 additional days. For the TDOs that occur two calendar days after the TDOs start date, DMAS assumed that 50.4 percent would result in the addition of an extra day. This assumption aligns with the Mental Health Law Reform Commission's analysis.

The average length of a TDO is estimated to rise from 2.93 paid days to 3.54 paid days, a 21 percent increase in days and a 21 percent increase in the official involuntary mental commitment expenditure forecast. Because of the lag between service dates and when the claims are paid, DMAS believes the full effect of this legislation will not be reached until four months after the start date of the proposed legislation. This lag is included in the FY 2011 fiscal impact. The fiscal impact reflects the estimated impact on Involuntary Mental Commitment expenditures of \$2,136,583 in FY 2011 and \$2,714,524 in FY 2012. DMAS is responsible for reimbursing payments for acute care services for persons who have been involuntary detained under a TDO.

While the fiscal impact estimated in this statement only includes the TDO costs funded at DMAS, there is reason to assume that a longer length of TDO stay may result in some offsetting cost savings in the total costs of care provided to an individual. A longer TDO stay may result in the release of an individual at their involuntary mental commitment hearing, because the longer period of time available to stabilize the individual may reduce the need for further hospitalization or result in the need for less costly outpatient treatment. However, there is not sufficient information at this time to provide a reasonable estimate of any such savings.

9. Specific Agency or Political Subdivisions Affected: Department of Medical Assistance Services.

10. Technical Amendment Necessary: None.

11. Other Comments: HB 307, introduced by Delegate O'Bannon, is a companion bill

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