

Department of Planning and Budget

2014 Fiscal Impact Statement

1. Bill Number: SB439

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Barker

3. Committee: Education and Health

4. Title: Mandatory outpatient treatment.

5. Summary: Mandatory outpatient treatment. Specifies that upon motion and prior to the release date of (1) any person who has been the subject of a temporary detention order and voluntarily admitted himself or (2) any involuntarily admitted person, the judge or special justice shall order mandatory outpatient treatment for such person if he finds by clear and convincing evidence that (i) the person has a history of lack of compliance with treatment for mental illness and as a result of such noncompliance, on at least two previous occasions within 36 months preceding the date of the hearing, has been (a) involuntarily admitted pursuant to § 37.2-817 or (b) the subject of a temporary detention order and voluntarily admitted himself in accordance with subsection B of § 37.2-814; (ii) in view of the person's treatment history and current behavior, the person is in need of mandatory outpatient treatment following inpatient treatment in order to prevent a relapse or deterioration that would be likely to result in the person meeting the criteria for involuntary inpatient treatment; (iii) as a result of mental illness, the person is unlikely to voluntarily participate in outpatient treatment unless the court enters an order authorizing discharge to mandatory outpatient treatment following inpatient treatment; (iv) the person has agreed to abide by his discharge plan and has the ability to do so; (v) the ordered treatment will be delivered on an outpatient basis by the community services board or designated provider to the person; and (vi) the person is likely to benefit from mandatory outpatient treatment. The bill also specifies that a judge or special justice may authorize the treating physician to discharge the person to mandatory outpatient treatment under a discharge plan if the judge or special justice finds the same criteria as above. The bill also authorizes the judge or special justice to consider hearsay and other types of evidence when considering the history of lack of compliance of a patient.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: No fiscal impact as this bill only clarifies certain aspects of the current code dealing with mandatory outpatient treatment making it easier to understand.

8. Fiscal Implications: None.

9. Specific Agency or Political Subdivisions Affected: Courts, Community Service Boards, DBHDS

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to HB574.