

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: SB568

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: Courts of Justice

4. Title: **Involuntary admission; contents of preadmission screening report; notice of hearing.**

5. Summary: This bill provides that the Community Services Board (CSB) that prepares the preadmission screening report admitted into evidence at a person's involuntary admission hearing, if the report recommends that the person is not in need of involuntary treatment, must include in such report any contrary recommendations, if available, by the person's personal representative, relatives, or treating or examining physician. The bill requires further that the judge or special justice conducting the hearing consider, if available, the recommendations of the person's personal representative and relatives. The bill also requires that notice of the hearing be given to the person's personal representative, or if the person has no personal representative and the individual who petitioned for the person's involuntary admission is not a relative of the person, the nearest known relative of the person. Finally, the bill imposes a duty on health care providers providing services to a person subject to emergency custody, temporary detention, or involuntary admission proceedings to make a reasonable attempt to notify the person's family member or personal representative and clarifies that such representative includes an agent named in an advance directive; currently, such health care provider has discretion as to whether to make such notification.

6. Budget Amendment Necessary: See fiscal implications below.

7. Fiscal Impact Estimates: Indeterminate

8. Fiscal Implications: The bill amends several areas of Virginia code concerning the procedures relating to involuntary admissions of minors and adults with mental illness. Under the bill, the number of direct petitioners that could be involved in any one individual's judicial process concerning a temporary detention order could greatly expand. Any such expansion would likely lead to CSB staff making more calls to these newly defined petitioners, as well as schedule meetings between additional petitioners and magistrates of the court.

It is difficult to project the exact fiscal impact of the proposed legislation because it is unclear how many new petitioners could be eligible for judicial involvement in each case, and therefore how many additional points of contact and meetings would need to be established by CSB staff. This could present a significant administrative burden on CSBs, and while the

state is not required to fund the costs of the additional requirements, they may need additional resources to comply. For reference, in FY 2015, there were 83,701 emergency evaluations (229 per day) and 24,902 TDOs issued (68 per day). There are 40 CSBs responsible for the evaluation process.

In addition, if the involvement of the additional parties results in a greater number of individuals being recommended for temporary detention, the pressure on state facilities to accommodate new TDOs will be exacerbated. Concurrently, any increase in the number of TDOs issued would impact expenditures from the Involuntary Mental Commitment Fund.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Behavioral Health and Developmental Services, Community Services Boards, Courts of Justice
- 10. Technical Amendment Necessary:** No.