

## **Department of Planning and Budget 2020 Fiscal Impact Statement**

**1. Bill Number:** HB699

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

**2. Patron:** Hope

**3. Committee:** Health, Welfare, and Institutions

**4. Title:** Mandatory outpatient treatment; rescission of order.

**5. Summary:** Clarifies the types of evidence that may be considered by a court in determining whether continued mandatory outpatient treatment is warranted; clarifies the criteria that a court is required to consider when reviewing or determining whether to rescind or continue a mandatory outpatient order or order for mandatory outpatient treatment following inpatient treatment; provides that if a person who is the subject of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment files a petition for rescission of the order, the court shall appoint an examiner to personally examine the person to determine whether he meets the criteria for inpatient admission or mandatory outpatient treatment; limits the frequency with which a person who is the subject of a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment may petition for review of such order to no more than once during each 90-day period following entry of such order; and makes clear that a mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment remains in full force and effect unless rescinded by the court and that revocation of a person's agreement to abide by a mandatory outpatient treatment plan or discharge plan that has been approved by the court shall not rescind the mandatory outpatient treatment order or order authorizing discharge to mandatory outpatient treatment following inpatient treatment.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8.

**8. Fiscal Implications:** This legislation allows a judge or special justice the option to re-order an individual to mandatory outpatient treatment (MOT) if it finds the individual remains a proper subject for MOT. The bill also creates a process to allow the subject of a MOT order to be evaluated by an examiner to certify to the court that the individual is a proper subject for MOT and mandates the community services board (CSB) conduct and submit a preadmission screening report to the judge/special justice to review as part of the rescission hearing.

This legislation could result in additional mandatory outpatient treatment days for individuals re-ordered to such treatment. Between 300 and 350 people are admitted to MOT each year in Virginia, but it is unknown how many of those individuals could be re-ordered to MOT under this legislation. The cost for additional treatment would be reimbursed through an individual's private insurance, Medicaid, or, in the case of the uninsured, through funds appropriated to the CSBs. While an updated average cost of services provided under a MOT order was not available, previous estimates on the cost of mandatory outpatient treatment were approximately \$3,400 for a 30 day period.

In cases where an examiner must examine an individual seeking a rescission order under this legislation, the cost would be \$75 per evaluation and \$75 for appointed counsel. The cost of these hearings is not reimbursable through Medicaid. CSBs would additionally be required to provide a pre-admission screening to any individual requesting a rescission hearing, possibly requiring the hiring of additional emergency services pre-screeners.

While input from the Courts was not available prior to issuing this fiscal impact statement, any additional hearings that occur as a result of this legislation may also impact their costs. Based on information previously provided, the cost for each hearing is estimated at \$261.25, including a special justice (\$86.25 per hearing), attorney (\$100.00 per hearing), and witness examiner (\$75.00 per hearing).

- 9. Specific Agency or Political Subdivisions Affected:** Department of Behavioral Health and Developmental Services, Community Services Boards, Department of Medical Assistance Services, Courts of Justice.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.