

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB700

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Hope

3. Committee: Courts of Justice

4. Title: Mandatory outpatient treatment; eliminates patient consent.

5. Summary: Eliminates the patient consent requirement for minors age 14 or older and adults before mandatory outpatient treatment may be ordered but there is no change in the requirement that a minor's parents must agree to abide by the minor's treatment plan.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: This legislation removes the requirement that the subject of a mandatory outpatient treatment (MOT) order have the capacity to abide by the MOT order/discharge plan and agree to do so. Current law states that minors 14 and older must have the capacity to understand the stipulations of the discharge plan and must agree to abide by the plan if released pursuant to an MOT order. This bill removes the need for the minor's consent, leaving the decision making responsibility to the parent. This bill also removes the criteria of having the capacity to abide by the discharge plan and agreeing to comply with the discharge plan as criterion to determine if the individual is a proper subject of an MOT order.

The removal of consent could result in an increase in the number of people admitted to MOT. Currently, between 300 and 350 individuals are admitted to MOT each year in the Commonwealth of Virginia. It is unknown how many people are not ordered to MOT because they lack capacity to consent and would now be ordered to MOT under this legislation. An increase in MOT would result in additional clinical costs, some of which could be covered by the individual's private insurance or the Department of Medical Assistance Services if the individual is enrolled in Medicaid. In cases where an individual is uninsured, a Community Services Board may incur additional costs to provide treatment. 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. Current law allows for a period of mandatory outpatient treatment of up to 90 days.

If individuals that would otherwise be committed to a state operated mental health facility are instead ordered to mandatory outpatient treatment, there would be potential cost avoidance

for the Department of Behavioral Health and Developmental Services. Those who successfully complete their mandatory outpatient treatment may be less likely to require future inpatient treatment at a state facility.

It is unclear if this legislation will have an impact on the Courts. No information was available prior to issuing this fiscal impact statement.

9. Specific Agency or Political Subdivisions Affected: Department of Behavioral Health and Developmental Services, CSBs

10. Technical Amendment Necessary: No.

11. Other Comments: None.