

## Department of Planning and Budget

### 2023 Fiscal Impact Statement

1. **Bill Number:** HB1976

**House of Origin**    ☐ Introduced    ☒ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

2. **Patron:** Bell

3. **Committee:** Courts of Justice

4. **Title:** Involuntary admission; temporary detention; release of detained individual.

5. **Summary:** Allows the director of a facility where a person is awaiting transport to the facility of temporary detention pursuant to a temporary detention order to request a psychiatrist or clinical psychologist, in consultation with the treating physician and the community services board, to perform a new assessment to determine if such person no longer meets commitment criteria, or request the community services board, in consultation with the treating physician, to conduct an evaluation to determine if such person no longer meets commitment criteria. The community services board, after its evaluation, may release the person prior to a commitment hearing if the person no longer meets the commitment criteria.

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

7. **Fiscal Impact Estimates:** See 8 below.

8. **Fiscal Implications:** This substitute provides a path for the release of an individual under a temporary detention order (TDO) currently awaiting transport to the designated facility of temporary detention prior to the expiration of the temporary detention order if the director of the facility where they are awaiting transport:

- requests that a psychiatrist or clinical psychologist, in consultation with the treating physician and the community services board, perform a new assessment of such person to determine if they meet the criteria for inpatient commitment. If the new assessment finds that the person no longer meets the commitment criteria specified in subsection C of § 37.2-817, the community services board shall then conduct a formal evaluation of such person; or
- requests a community services board or its designee, in consultation, with the treating physician conduct an evaluation to determine if the person no longer meets the criteria.

This change may increase the workload for community services boards, as it may result in additional evaluations to be performed by CSBs. Additionally, the language states that a CSB

may include a discharge plan for the release of an individual who has been found to no longer meet commitment criteria but does not specify necessary provisions of such discharge plan; therefore, it is unknown the extent to which this provision may result in additional workload on employees of community services boards.

This legislation may result in a reduction of the number of individuals admitted to a state facility through a temporary detention order if they are evaluated by a CSB employee or designee and found to no longer meet the criteria for detention while they are awaiting transport.

Currently, only the director of the facility that has been designated as the facility of temporary detention is permitted to release an individual prior to a commitment hearing for involuntary admission if an evaluation conducted by a psychiatrist or clinical psychologist finds that the individual no longer meets the commitment criteria specified in subsection C of 37.2-817. Allowing directors of non-TDO facilities (likely emergency rooms) where an individual is awaiting transport to the designated facility of temporary detention may result in a release prior to admittance at a state hospital. The number of individuals who no longer meet commitment criteria while awaiting transport is not available, therefore the number of commitments that may be averted is unknown.

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

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

**11. Other Comments:** In a separate paragraph, the legislation permits the director of a facility where an individual is present prior to a commitment hearing to release the person if it appears based on an evaluation conducted by a psychiatrist or clinical psychologist and in consultation with the person's treating physicians, that the person would no longer meet the commitment criteria specified in subsection C of § 37.2-817 if released. As the legislation is drafted, it is unclear if the same requirements apply for CSB determination of commitment criteria as discussed above for those individuals awaiting transport. If so, this could similarly create additional workload for CSB evaluators, however, the extent of such increase is unknown.

This bill is similar to SB1299.