

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

**1. Bill Number:** SB34

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

**2. Patron:** Locke

**3. Committee:** Passed the Senate

**4. Title:** Temporary detention; certified evaluators, report.

**5. Summary:** Authorizes hospitals with a psychiatric emergency department located in Senate District 23 to employ certain trained individuals to perform evaluations to determine whether a person meets the criteria for temporary detention for behavioral health treatment. The bill requires participating hospitals with psychiatric emergency departments in Senate District 23 to annually report the length of time between when a person who is the subject of an emergency custody order arrives at the psychiatric emergency department of a participating hospital and when the temporary detention order evaluation is completed and (ii) the number of (a) admissions, (b) psychiatric emergency department visits, (c) temporary detention order evaluations completed, (d) temporary detention orders executed, (e) individuals under temporary detention admitted to the participating hospital, and (f) individuals transferred from the psychiatric emergency department of the participating hospital to a state facility to the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Behavioral Health Commission. The bill requires participating hospitals with psychiatric emergency departments in Senate District 23 to report monthly to the Commissioner of the Department of Behavioral Health and Developmental Services the number of (i) crisis evaluations conducted each month; (ii) temporary detention orders executed as a result of such evaluations and the percentage of evaluations such temporary detention orders represent; (iii) reportable events associated with such temporary detention orders and the percentage of temporary detention orders that such reportable events represent; (iv) certain reportable events; and (v) other events. The bill requires the Department of Behavioral Health and Developmental Services to submit by October 1, 2026, to the Senate Committee on Education and Health and the House Committee on Health and Human Services an evaluation of the overall effectiveness of certified evaluators conducting temporary detention order pursuant to the bill. The bill has an expiration date of July 1, 2026.

**6. Budget Amendment Necessary:** Indeterminate.

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

**8. Fiscal Implications:** The substitute does not change the fiscal impact of this legislation but does clarify the geographical area impacted to be “Senate district 23”, which includes Hampton and Newport News. This legislation would allow hospitals with psychiatric emergency departments located in “Senate District 23” to employ “certified evaluators” as

defined in the bill for the purposes of performing evaluations to determine whether a person meets the criteria for temporary detention for behavioral health treatment. Under current law, such evaluations are conducted by a designee of the local community service board (CSB) as defined in § 37.2-809.

If this legislation becomes law, the Department of Behavioral Health and Developmental Services would make the evaluation certification program open to evaluators employed by a hospital with a psychiatric emergency department in the impacted communities. This program is conducted through the COV Learning Center and could be extended to non CSB employees at no additional cost. Individuals in need of training will need to partner with a CSB to achieve their orientation, shadowing and observation requirements outlined in the certified preadmission screening requirements. It is unclear in the legislation who will be responsible for the cost of training these individuals, but because of the limited geographical scope, it is assumed those costs would be borne by the impacted CSB or partnered hospitals.

Permitting a certified evaluator to conduct temporary detention order evaluations in lieu of the designee of a community service board may result in a reduction in CSB workload. The significance of any cost avoidance CSBs is indeterminate, as it is unknown the extent to which providers will take advantage of this option. In FY2023, the Hampton Newport News CSB conducted 3,945 emergency evaluations.

According to DBHDS, prior to legislative changes several decades ago, the practice of non-CSB designated clinicians conducting emergency evaluations was permitted. This practice resulted in an abundance of patients being rapidly cleared from emergency departments by physicians and sent to state hospitals for treatment and the law was subsequently changed to require CSB evaluators. If this legislation is enacted, DBHDS anticipates an increase in the number of individuals sent to Eastern State Hospital (ESH), and possibly to other state hospitals as the impact ripples through the system, from emergency departments. The cost of these additional individuals is dependent on the magnitude of new commitments. For reference, ESH is currently at 95 percent of their staffed capacity, with forensic patients accounting for approximately 88 percent of the population. Because the provisions of this bill expire on July 1, 2026, any costs would be short term in nature unless extended in a future session of the General Assembly.

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

**10. Technical Amendment Necessary:.** None.

**11. Other Comments:** This legislation contains similar provisions to HB608.