

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

LRB # -3821/3

INTRODUCTION # SB 380

Admin. Rule #

Subject

Fifth Standard for Emergency Detention and Involuntary Commitment

Fiscal Effect

State: No State Fiscal Effect SEE TEXT

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local: No local government costs SEE TEXT

- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory

- 3. Increase Revenues
 - Permissive
 - Mandatory
- 4. Decrease Revenues
 - Permissive
 - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
 - Villages
 - Cities
 - Counties
 - Others _____
 - School Districts
 - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate:

1995 Act 292 established a new standard, in addition to the four existing standards, under which a person may be subjected to a 72 hour emergency detention for treatment and under which a petition may be brought to involuntarily commit a person to a treatment program for an extended period. Commitment petitions under the fifth standard must be reviewed and approved by the Attorney General or his designee within 12 hours after the petition is filed. These provisions do not apply after November 30, 2001.

This bill eliminates the fifth standard for emergency detentions. It also removes sunset provisions for fifth standard commitments. In addition, the bill requires Attorney General review of commitment petitions before they are submitted.

With respect to emergency detentions, this bill could have a fiscal effect on county governments if 1) elimination of the fifth standard for emergency detentions results in a reduction in the number of emergency detentions and 2) the reduction in the number of emergency detentions results in fewer involuntary commitments. Counties are responsible for funding the treatment costs of indigent persons who are in detention or have been committed, unless they are eligible for Medical Assistance. In addition, the bill could affect Department expenditures because many of the individuals will be treated at the state mental health institutions, at the expense of either the county or the Medical Assistance program, or in psychiatric units of general hospitals, at the expense of the Medical Assistance program.

No statewide data is available on the number of emergency detentions initiated under the fifth standard. As directed by Act 292, the Department collects data from counties on the total number of requests for involuntary commitments initiated as the result of emergency detentions or separate petitions under all five standards and the number of those commitments that were ordered. Counties do not track detentions according to the standard under which they were initiated. However, it is estimated that few if any emergency detentions are initiated under the fifth standard, because it applies to individuals who will suffer severe mental, emotional, or physical harm in the future without treatment. For these individuals, there is usually sufficient time to seek treatment through involuntary commitment proceedings. Emergency detention is more appropriate for individuals who represent immediate threats to themselves or others and who would be detained more appropriately under one of the other four standards. Therefore, it is estimated that the elimination of the fifth standard for emergency detentions will not have a measurable effect on DHFS or county human services/social services departments.

Long-Range Fiscal Implications:

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Date

3-6-00

With respect to involuntary commitments, under current law, counties and the Department incur expenditures for involuntary commitments for individuals who are deemed to require commitment under the fifth standard until the provisions sunset on November 30th, 2001. Under this bill, counties and the Department would continue to experience those costs on a permanent basis. The precise cost of fifth standard commitments cannot be estimated. In the first three years since the law became effective, the Department of Justice has reviewed 59 petitions for fifth standard commitments, of which 56 were approved. The duration of the commitment, the program in which the person was placed, and the source of funding for the treatment (county, Medical Assistance, or third party funds) is unknown.