

Fiscal Estimate — 2001 Session

- Original Updated
 Corrected Supplemental

LRB Number -2491/1	Amendment Number if Applicable
Bill Number SB-80	Administrative Rule Number

Subject
 Fifth Standard for Emergency Detention and Involuntary Commitment

Fiscal Effect

State: No State Fiscal Effect

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

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

- Increase Costs — May be possible to absorb within agency's budget.
 Yes No
 Decrease Costs

Local: No Local Government Costs

- | | |
|--|---|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |
| 2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> 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 Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

See Narrative

Long-Range Fiscal Implications

Prepared By: Erin Warner	Telephone No. 266-9363	Agency DHFS
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)

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 of mental illness. 1995 Act 292 also established a new standard 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. This bill also eliminates the December 1, 2001 termination of the fifth standard for involuntary civil commitment of persons with mental illness. In addition, the bill requires Attorney General review of commitment petitions before they are submitted as well as provides access by corporation counsel to an individual's files and records of court proceedings and treatment records, to the same extent that the individual's attorney or guardian has the access.

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 people 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. It is more likely that these individuals 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.

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 30, 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. Since the law went into effect in 1996, the Department of Justice has reviewed 109 petitions for fifth standard commitments, of which 105 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.

Fiscal Estimate Worksheet — 2001 Session
 Detailed Estimate of Annual Fiscal Effect

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One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations — Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations — Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
Total State Costs by Category	\$	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues	Increased Revenue	Decreased Revenue
<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
Total State Revenues	\$	\$ -

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	\$ See Text	\$ See Text
Net Change in Revenues	\$	\$

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