

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-3482/1	Introduction Number SB-372
Description Creating a mechanism for an interested person to request an emergency stabilization and providing a penalty	
Fiscal Effect	
State:	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local:	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS s. 20.435(2)(gk)	
Affected Ch. 20 Appropriations	
Agency/Prepared By	Authorized Signature
DHS/ Caroline Ellerkamp (608) 266-9364	Andy Forsaith (608) 266-7684
Date	
11/4/2013	

Fiscal Estimate Narratives

DHS 11/4/2013

LRB Number	13-3482/1	Introduction Number	SB-372	Estimate Type	Original
Description Creating a mechanism for an interested person to request an emergency stabilization and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law an individual can be placed under an emergency detention if a law enforcement officer and other certain persons has cause to believe that the individual is mentally ill, drug dependent, or developmentally disabled, and that the individual shows any of the following: 1) a substantial probability of physical harm to himself or herself as manifested by evidence of recent threats of or attempts at suicide or serious bodily harm; 2) a substantial probability of physical harm to other persons as manifested by evidence of recent homicidal or other violent behavior, or by evidence that others are placed in reasonable fear of violent behavior and serious physical harm, as evidenced by a recent overt act, attempt, or threat to do serious physical harm; 3) a substantial probability of physical impairment or injury to himself or herself due to impaired judgment, as manifested by evidence of a recent act or omission; or 4) due to mental illness or drug dependency, the inability to satisfy basic needs for nourishment, medical care, shelter, or safety without prompt and adequate treatment so that a substantial probability exists that death, serious physical injury, serious physical debilitation, or serious physical disease will imminently ensue unless the individual receives prompt and adequate treatment, as evidenced by behavior manifested by a recent act or omission. The county department of community programs in the county in which the individual was taken into custody must approve the need for detention and for evaluation, diagnosis, and treatment if permitted, before the law enforcement officer or other person delivers the individual to the detention facility.

This bill replaces "emergency detention" with "emergency stabilization" in statute. This bill would allow anyone to request a county to place an individual under an emergency stabilization. The county must place the individual under emergency stabilization or report to the individual requesting the stabilization why the request is denied. The Department is required to develop a form for an individual to submit to the county to request emergency stabilization and make that form available on the Department's website. The form must be approved by the Department of Justice. This estimate assumes that costs to develop the form will be funded with existing resources.

This bill also allows anyone to petition a court to place an individual under emergency stabilization.

In calendar year 2012, there were 4,949 emergency detentions for county funded clients to inpatient statewide. The bill would increase costs to the Department and counties if it increases the number of emergency detentions or stabilizations to the Mendota and Winnebago Mental Health Institutes or other facilities.

In July 2013, Mendota and Winnebago Health Institutes treated an average of 94 county funded civilly committed patients per day, including individuals admitted through emergency detentions. If this bill significantly increases emergency detentions, the Department would require additional program revenue positions and spending authority to staff new treatment units at the institutes. Counties would be charged for these admissions; the current daily rate at the institutes is \$999.

The bill would also increase workload for county human services and corporation counsel staff to review and respond to petitions.

It is not possible to estimate the increase in the emergency detentions that could result from the bill. The number would depend on how many individuals file petitions with the county or the court, how many petitions are approved by the county or court, and how many of those detentions would have occurred under current law. Because of these unknown variables, the fiscal estimate is indeterminate.

Long-Range Fiscal Implications