

STATE and LOCAL FISCAL IMPACT

Drafting Number: LLS 14-0135	Date: February 24, 2014
Prime Sponsor(s): Rep. McCann Sen. Newell	Bill Status: House Health, Insurance, & Environment Fiscal Analyst: Bill Zepernick (303-866-4777)

SHORT TITLE: RECOMMENDATIONS CIVIL COMMITMENT REVIEW TASK FORCE

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures	Minimal workload increase and decrease. See State Expenditures section.	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

The bill implements the recommendations of the Civil Commitment Review Task Force created under House Bill 13-1296. Among other things, the bill:

- consolidates statutory provisions and creates a single process for emergency holds and extended-care certification for all substance abuse and misuse (current law has separate processes for alcohol use and for other drugs and substances);
- removes the option for a jury trial for a certification of a mental health or substance misuse hold;
- modifies the definition of "gravely disabled;"
- removes the requirement that danger to self or others be imminent in order to issue a mental health hold and revises the definition of "danger to self or others;"
- encourages treatment facilities to inquire as to whether or not a patient with behavioral health illness has an advance directive at admission, and, if medically appropriate, take it into account; and
- relocates various sections of statute, makes conforming amendments, removes obsolete language, and makes other technical changes to state statute on substance use disorders.

State Expenditures

The bill is expected to have a minimal impact on the Department of Human Services (DHS) and the Judicial Department, as described below.

Department of Human Services. The Division of Behavioral Health in the DHS may have additional workload to adjust rules to fit the new definitions and communicate policy changes to behavioral health providers, law enforcement, and other agencies involved in the civil commitment process and in the treatment of behavioral health. This work can be accomplished as part of regular operations in the DHS and no adjustment in appropriations is required.

Behavioral health treatment. The changes in the definition of "gravely disabled" and the removal of "imminent" when considering dangers to self or others may increase the number of civil commitment holds or accelerate the timing of holds that would have likely occurred already under current law. Overall, the impact is expected to be minimal and will not significantly affect costs for behavioral health treatment, both for emergency holds or for follow-up care beyond current levels. Depending on a patient's income, insurance status, and other factors, behavioral health costs may be covered by private insurance, Medicaid, or through uncompensated care by hospitals and other providers.

Trial courts. The courts may have a minimal reduction in caseload from eliminating the option for a jury trial in civil commitment cases; however, this provision is rarely used and any impact from its elimination is expected to be minimal. The other changes in definitions and processes in the bill are not expected to significantly affect caseload or the complexity of cases brought to the courts.

Local Government Impact

As mentioned above, the bill may increase the number of civil commitment holds or accelerate the timing of holds that would like have occurred under current law. Currently, sheriffs, especially in rural areas, are often tasked with transporting persons requiring civil commitment for mental health or substance use disorders to an appropriate treatment facility. To the extent that this caseload increases, sheriffs and counties may have additional costs to transport or to temporarily hold persons in county jails. The cost to house a person in county jails varies from \$45 to \$50 per day in smaller rural jails, to \$62 to \$65 per day for larger Denver-metro area jails.

Effective Date

The bill takes effect on January 1, 2015, except that Section 2, recodifying the definition for "gravely disabled" that existed prior to HB 13-1296, takes effect on July 1, 2014. This prior definition in Section 2 is replaced by the new definition for "gravely disabled" in Section 3 on January 1, 2015.

State and Local Government Contacts

Human Services
Law
Counties

Judicial
Corrections
Sheriffs

Public Health and Environment
District Attorneys