

Judicial Impact Fiscal Note

Bill Number: 5644 SB	Title: Psychiatric boarding	Agency: 055-Admin Office of the Courts
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Part I: Estimates



No Fiscal Impact

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

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OFM Review:	Phone:	Date:

Request # 5644 SB-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Summary:

This bill would address the problem of psychiatric boarding of persons who are waiting for an appropriate evaluation and treatment bed. It would also instruct the courts to only use dismissal of the case as a remedy to lengthy boarding only where there is a total disregard of the provisions of the bill.

Sections with potential court impact:

Sections 5 and 6 would amend RCW 71.05.020 to include definitions for “boarding” (subsection 46) and “single bed certification” (subsection 47).

Section 7 would amend RCW 71.05.050 to clarify that dismissal of a commitment petition is not the appropriate remedy where a detained person is not moved in from a boarding area to an evaluation and treatment bed within the timelines developed by the department of social and health services, unless there is a total disregard of the requirements. (There is no mention of a more appropriate remedy in this situation.)

Section 8 would amend RCW 71.05.153 to clarify that the 3-hour window for a mental health professional (MHP) to evaluate a person who is taken to an evaluation facility and the 12-hour window for making a detention decision do not include periods in which the person has not been medically cleared for such an evaluation. This section would also provide that dismissal of a commitment petition is not the appropriate remedy where these time periods are not met, unless there is a total disregard of the requirements. (There is no mention of a more appropriate remedy in this situation.)

Other sections would direct the department of social and health services to ensure an adequate network of evaluation and treatment services in the state to eliminate the need for use of boarding during detention periods.

Section 15 would make these provisions effective immediately upon passage of the bill.

Anticipated Fiscal Impact:

Based upon information provided and input from the courts, it is assumed that there would be minimal financial impact to the superior courts statewide from the amendments/provisions in this bill. The main provision of this bill which could impact the courts is the clarification that dismissal is not the appropriate remedy where a detained person is not moved in from a boarding area to an evaluation and treatment bed within the timelines developed by the department of social and health services, unless there is a total disregard of the requirements. The courts which currently have cases where patients are boarded do not always dismiss the cases. Where courts use dismissal as a remedy for boarding, the persons whose cases are dismissed often still have mental health issues which need treatment. It is highly probable that these persons are re-detained by mental health professionals, so the courts are still handling cases involving these persons. It is not expected that fewer dismissals would result in a significant increase in workload in these cases.

Available data in the Judicial Information System from 2010 to 2014 indicate that the superior courts handle an average of 10,000 mental health cases each year. A large percentage of these cases, estimated at 15-25%, are dismissed each year for a number of reasons. Because the Judicial Information System does not collect information on the reasons for the dismissals, we do not know how many cases are currently dismissed for reasons related to boarding. In addition, the Judicial Information System does not collect information on the number of these cases which are refiled after a dismissal for boarding.

There is a finite amount of superior court judicial officer time available to hear cases throughout the state. Whenever additional caseload creates a need for additional judicial officers, the system absorbs that need. The system accommodates such changes partially by delaying criminal and juvenile cases and partly by lengthening the backlog for civil trials. Small increases in FTE need may be absorbed by the system, but there is a cumulative effect from multiple bills in a session or over a series of years that can result in a shortage of judges and commissioners relative to the judicial need expressed in caseload.

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact