

Judicial Impact Fiscal Note

Bill Number: 5649 2E S SB 5649S2.EAMH_J UDI_H.2503.1	Title: Mental health/inv outpatient	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☒ **No Fiscal Impact**

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

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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Part II: Narrative Explanation

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

This bill would amend the laws regarding involuntary mental health treatment to address the problem of psychiatric boarding of persons who are waiting for an appropriate evaluation and treatment bed. It would instruct the courts to use dismissal of the case only as a remedy to lengthy boarding only where there is a total disregard of the provisions of the bill. These changes are the same as in E2SSB 5649. The financial impact to the courts cannot be estimated because no judicial data exists to support an estimate, but the impact is assumed to be so small as to be negligible.

Other sections of E2SSB 5649, creating an outpatient treatment alternative for persons “in need of assisted outpatient treatment” where they do not present a likelihood of serious harm or are gravely disabled, have been deleted from 2ESSB 5649. Thus, the financial impact to the courts from those changes has been deleted.

Sections with potential court impact:

The sections in 2ESSB 5649 are numbered consecutively, while the sections in E2SSB 5649 were separated into three parts. Thus, similar sections have different section numbers. Unless otherwise noted, the renumbered sections either are essentially the same in both versions of the bill, or differences between the two versions affect agencies other than the courts.

Section 1 (formerly Section 101) would amend RCW 71.05.010 to direct courts to focus on the merits of mental health treatment petitions, except where requirements have been totally disregarded.

Sections 2, 3, and 4 (formerly Sections 102, 103 and 104) would create new statutes to regulate the use of single bed certifications.

Section 5 (formerly Section 105) would amend RCW 71.05.050 and section 6 (formerly section 106) would amend RCW 71.05.153 to instruct courts 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.

Section 7 (formerly Section 107) would amend RCW 71.05.210 to exclude time periods prior to medical clearance from the time in which mental health patients must be examined by mental health professionals.

Sections 13 and 14 (formerly Sections 201 and 202) would amend RCW 71.05.020 to create a new definition for “medical clearance.” These sections delete a proposed definition for “in need of assisted outpatient treatment”, and are otherwise essentially the same as sections 201 and 202 in E2SSB 5649.

Section 19, (formerly Section 304) would enable the above sections to take effect immediately upon the bill becoming law.

All sections in E2SSB 5649 related to persons in need of assisted outpatient treatment do not appear in 2ESSB 5649.

II. B - Cash Receipts Impact

There is no revenue expected as a result of this bill.

II. C - Expenditures

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 and provisions of 2ESSB 5649. Because we believe the impact to be so small, we are considering this bill to have no fiscal impact on the courts.

The previous version of this bill, E2SSB 5649 which created a new form of outpatient treatment, would have had an immeasurable, but significant financial impact on the courts. Because those provisions no longer appear in 2ESSB 5649, those impacts are deleted from this analysis.

The main provision of this bill which could impact the courts is the statement 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

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department of social and health services, unless there is a total disregard of the requirements . 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.

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 . Dismissal in those cases may result in extra cases and increased court time spent on those cases . Fewer dismissals in these cases would balance out the court time reductions in those cases which are not refiled . It is thus not expected that fewer dismissals would result in a significant change in workload in these cases .

Part III: Expenditure Detail

Part IV: Capital Budget Impact