

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Sub. S.B. 53** DATE: **March 20, 2007**

STATUS: **As Reported by Senate Health, Human Services, and Aging** SPONSOR: **Sen. Clancy**

LOCAL IMPACT STATEMENT REQUIRED: **No — Permissive**

CONTENTS: **To permit a licensed professional clinical counselor to take certain persons into custody and transport those persons to a hospital**

State Fiscal Highlights

- No apparent fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2007	FY 2008	FUTURE YEARS
Local Law Enforcement			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Minimal decrease if the need to transport a patient is eliminated	Minimal decrease if the need to transport a patient is eliminated	Minimal decrease if the need to transport a patient is eliminated

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- In private mental health facilities, licensed professional clinical counselors currently contact local law enforcement whenever they feel that their patient needs to be taken into custody and transported. Under the bill, licensed professional clinical counselors could take the person into custody themselves. As a result, local law enforcement costs could decrease. However, a spokesperson for the Buckeye State Sheriff's Association states that, on average, law enforcement transports only one patient per week so any decrease in expenditures will be minimal.
- According to a spokesperson for the Department of Mental Health, licensed professional clinical counselors in public mental health facilities already take patients into custody and transport them if they have the title of "health officer." Therefore, there would be no fiscal impact on public mental health facilities.



Detailed Fiscal Analysis

Licensed Professional Clinical Counselors

Under current law certain people are allowed to take a person into custody and transport them to a hospital when the person is deemed to be mentally ill and represents a substantial risk of physical harm to self or others. The person making the transport must provide, in writing, an explanation as to the circumstances under which the person was taken into custody and the explanation must be provided to the respondent or their attorney upon request. All attempts must be made to take the person into custody in the least conspicuous manner possible and the respondent must be told the name, professional designation, and agency affiliation of the person taking them into custody; that the custody taking is not a criminal arrest; and that the person is being taken for examination to a mental health facility specified by name. In addition, an initial examination must be completed at the hospital within 24 hours after which the chief clinical officer must make a decision, pursuant to existing law, whether there is probable cause to hold the person or if the person should be released.

The bill allows for a licensed professional clinical counselor to take a person into custody and transport him or her to a hospital within an hour of taking the person into custody. A licensed professional clinical counselor must hold a graduate degree in counseling, pass the professional counselor licensure exam, and register at least 3,000 hours of post professional counselor supervised experience within two years, including the diagnosis and treatment of mental and emotional disorders. In addition, a licensed professional clinical counselor must complete 30 hours of continuing education every two-year renewal period. There were 3,081 licensed professional clinical counselors in FY 2006. In effect, this bill removes the current requirement for licensed professional clinical counselors in a mental health facility to contact a psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer, or sheriff to take a person into custody who they believe presents an immediate risk of harming themselves or others. However, according to a spokesperson for the Department of Mental Health, licensed professional clinical counselors in public mental health facilities already take patients into custody and transport them if they have the title of "health officer."

Fiscal effects of the bill will be on the local level. In private mental health facilities, licensed professional clinical counselors currently contact local law enforcement whenever a patient needs to be taken into custody and transported. Under the bill, licensed professional clinical counselors could take the person into custody. As a result, local law enforcement costs could decrease. However, a spokesperson for the Buckeye State Sheriff's Association states that, on average, law enforcement transports only one patient per week so any decrease in expenditures will be minimal.

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