



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. H.B. 104 of the 130th G.A.

Date: December 20, 2013

Status: As Passed by the House

Sponsor: Reps. Ruhl and Stautberg

Local Impact Statement Procedure Required: Yes

Contents: To make changes to the laws governing the civil commitment of and treatment provided to mentally ill persons

State Fiscal Highlights

- The bill changes the term "mentally ill person subject *to hospitalization* by court order" in Chapter 5122. of the Revised Code to "mentally ill person subject to court order." This change could clarify that persons could be served in a community setting rather than only in a hospital. If more persons are treated in a community setting, the Ohio Department of Mental Health and Addiction Services (OMHAS) could realize some savings in hospital costs, but the state could experience an increase in community Medicaid costs.
- The bill modifies the criteria that a mentally ill person must meet to be subject to court order. This modification in the criteria will result in an increase in the number of civil commitment cases heard in probate courts and thus, the number of persons who are civilly committed. This will increase state costs for hospitalization and community Medicaid.

Local Fiscal Highlights

- The bill changes the term "mentally ill person subject *to hospitalization* by court order" in Chapter 5122. of the Revised Code to "mentally ill person subject to court order." This change could clarify that persons could be served in a community setting rather than only in a hospital. If more persons are treated in a community setting, local behavioral health boards could experience an increase in costs.
- The bill modifies the criteria that a mentally ill person must meet to be subject to court order. This modification in the criteria will result in an increase in the number of civil commitment cases heard in probate courts and thus, the number of persons who are civilly committed. This will increase probate court costs and local board treatment costs.

- The bill requires a local probate court to charge \$25 for the filing of an affidavit and proceedings for a mentally ill person subject to court order. The court may waive the fee if it finds that the affiant is indigent or for good cause shown. This provision would result in a gain in fee revenue for the local probate court if the court does not waive the fee.
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Detailed Fiscal Analysis

The bill makes several changes to the laws governing court-ordered commitment of and treatment provided to mentally ill persons.

The bill changes the term "mentally ill person subject to hospitalization by court order" in Chapter 5122. of the Revised Code to "mentally ill person subject to court order." This change could clarify that persons could be served in a community setting rather than only in a hospital. The Ohio Department of Mental Health and Addiction Services (OMHAS) is responsible for the costs of state psychiatric hospitals. Local behavioral health boards are responsible for the cost of treatment in the community unless the person is on Medicaid, in which case the state and federal government share the cost. It is generally assumed that treatment in the community could cost less than treatment in a hospital. If more persons are treated in a community setting, local boards could experience an increase in costs. On the other hand, OMHAS could realize some savings in hospital costs, but the state could experience an increase in community Medicaid costs.

The bill also modifies the criteria that a mentally ill person must meet to be subject to court order to include persons who would benefit from the treatment as manifested by evidence of behavior that indicates all of the following: (1) the person is unlikely to survive safely in the community without supervision, based on a clinical determination, (2) the person has a history of lack of compliance with treatment for mental illness and certain conditions apply, (3) the person, as a result of the person's mental illness, is unlikely to voluntarily participate in necessary treatment, and (4) in view of the person's treatment history and current behavior, the person is in need of treatment in order to prevent a relapse or deterioration that would be likely to result in substantial risk of serious harm to the person or others. The bill states that an individual who meets only these new criteria is not subject to hospitalization. This modification to the criteria will result in an increase in the number of civil commitment cases heard in probate courts and thus, the number of persons who are civilly committed. This will increase probate court, state, and local board costs. According to the Ohio Judicial Conference, probate court costs for civil commitment cases are estimated to be \$100 for the service of notice, \$120 for transportation, \$200 to \$300 for indigent counsel, and \$300 to \$400 if an independent psychiatric evaluation is needed. There could be additional costs such as witnesses, referees, court reporters, and other hearing costs. OMHAS currently provides some reimbursement for civil commitment cases to probate courts

from GRF line item 334506, Court Costs. H.B. 59 of the 130th General Assembly appropriated \$784,210 to this line item in fiscal year 2014. The modification to the criteria could result in some savings to the state and local boards if mentally ill persons receive treatment before the illness progresses to an acute level. The bill also requires a local probate court to charge \$25 for the filing of an affidavit and proceedings for a mentally ill person subject to court order. The court may waive the fee if it finds that the affiant is indigent or for good cause shown. This provision would result in a gain in fee revenue for the local probate court if the court does not waive the fee.

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