

Fiscal Estimate - 2017 Session

Original Updated Corrected Supplemental

LRB Number 17-5203/1		Introduction Number SB-737	
Description emergency outpatient mental health treatment for minors			
Fiscal Effect			
State:			
<input checked="" type="checkbox"/> No State Fiscal Effect			
<input type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village	
<input type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By DHS/ Michael Christopherson (608) 266-9364		Authorized Signature Andy Forsaith (608) 266-7684	Date 1/29/2018

Fiscal Estimate Narratives

DHS 1/29/2018

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Description emergency outpatient mental health treatment for minors					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a minor can be treated without the consent of their parent or guardian by petitioning a county's mental health review officer for a review of a refusal or inability of the parent or guardian to provide the informed consent for outpatient mental health treatment. The petition must include the name, address, and birthdate of the minor, the name and address of the minor's parent or guardian, facts substantiating the petitioner's belief the minor needs, or does not need, mental health treatment, and any information substantiating the appropriateness of the treatment for the minor and the treatment is the least restrictive treatment consistent with the needs of the minor. The petition should include professional evaluations. After 21 days, and after consulting with the relevant county department of human services, the mental health officer will hold a hearing on the refusal or inability of the parent or guardian to provide informed consent. In the hearing, the mental health officer will issue a written order determining if the informed consent of the parent or guardian is unreasonably withheld or the refusal of the minor to provide consent is unreasonable, the minor is in need of treatment, the treatment sought is appropriate for the minor and is the least restrictive treatment available, and whether the proposed treatment is in the best interest of the minor. The mental health officer's decision is then subject to judicial review.

This bill would allow a treatment director of an outpatient mental health treatment provider to provide 30 days of outpatient mental health treatment to a minor without first obtaining informed consent of the minor's parents or guardian. The treatment could only be provided without informed consent if an emergency situation, as determined by the treatment director, exists, and if a reasonable effort has been made to obtain consent from a parent or guardian before initiating treatment. During the 30 day treatment period, the treatment director would be required to obtain informed, written consent of the minor's parent or guardian, or failing to do so, initiate a review of the minor's outpatient mental health treatment by the county's mental health review officer.

During the 30 day treatment period under this bill, no one could prescribe medications to the minor or admit of the minor to an inpatient facility or inpatient treatment facility without first obtaining the consent of the minor's parent or guardian. For services provided while parental or guardian consent has not been obtained, the treatment director should obtain the minor's consent to bill a third party for services. If the minor would not consent to billing a third party, the minor would become responsible for paying for the services and would be billed, based on their ability to pay, by the Department of Health Services.

DHS does not anticipate a fiscal impact due to this legislation.

The fiscal impact to counties is expected to be slight. Counties may incur increased costs if services provided under this bill are not fully covered by third party payers or the juveniles themselves.

Long-Range Fiscal Implications