

February 15, 2017

The Honorable Blaine Finch, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Finch:

SUBJECT: Fiscal Note for HB 2240 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2240 is respectfully submitted to your committee.

HB 2240 would enact the Crisis Intervention Act. The bill would allow law enforcement officers to transport individuals in their custody to a crisis intervention center if they are in a crisis intervention service area. The bill would define crisis intervention center as any entity licensed by the Kansas Department for Aging and Disability Services that is open 24 hours a day, 365 days a year, and is equipped to serve individuals in crisis due to mental illness, substance abuse or a co-occurring condition. If the individual is brought in by a law enforcement officer, the crisis intervention center could not refuse to accept that person for evaluation. The bill would also provide the authority for a crisis intervention center to admit and detain any person 18 years of age or older who is presented for emergency observation and treatment upon written application of an adult or law enforcement officer.

The bill would require the head of a crisis intervention center to evaluate the individual within four hours for mental illness and then follow procedures that are specified in the bill. No later than 48 hours after admission, if the head of the crisis center determines that the person continues to meet the criteria for detention, the head of the crisis center must file an affidavit for review by the district court in the county where the center is located. After reviewing the affidavit, the court would order release or continued detention of the person. The center would be allowed to hold an individual admitted under this act for up to 72 hours after admission. If, at that point, the person still meets the criteria for detention, the crisis center would be required to file a petition under the applicable care and treatment law governing involuntary commitment. The head of the crisis center would also be charged with finding an appropriate placement for the individual.

The bill lists the responsibilities of the head of a crisis intervention center and the rights that any patient retains while at the center. Any individual who willfully deprives a patient of these rights, with limited exceptions, would be guilty of a class C misdemeanor. An individual would be permitted to voluntarily apply for admission to a crisis intervention center, after being given the opportunity to consult with an attorney. The head of the center would be required to notify the individual's legal guardian if the application is accepted. No law enforcement officer would face criminal or civil liability if they were enforcing the requirements in HB 2240.

Estimated State Fiscal Effect				
	FY 2018 SGF	FY 2018 All Funds	FY 2019 SGF	FY 2019 All Funds
Revenue	--	--	--	--
Expenditure	\$191,957	\$282,289	\$191,957	\$282,289
FTE Pos.	--	3.00	--	3.00

Passage of HB 2240 would have a fiscal effect on KDADS. In order to handle the increased caseload that licensure of these facilities would create for the Survey, Certification, and Credentialing Commission, the agency would need to add a minimum of 3.00 FTE positions, at an estimated cost of \$198,982 for salaries and wages, including benefits. In addition, equipment, office space and other operating expenditures associated with the additional workload would be approximately \$83,307 from federal funds for a total cost of \$282,289. The State General Fund portion of this estimate is \$191,957. The expenditure estimate would include the following:

Surveyor Salary & Wages	\$198,982
Travel at \$6,200 per surveyor	18,600
Computer Equipment	3,507
Vehicles at \$20,400 each	<u>61,200</u>
Total	\$282,289

Further, HB 2240 could have a fiscal effect on KDADS and/or established crisis intervention centers due to the provisions that require the crisis intervention center to accept any individual brought to the center by law enforcement. Depending on the capacity of the crisis center, this could cause hardships for the centers. An estimate of the fiscal effect of this provision of HB 2240 cannot be made because the agency cannot predict the number of individuals law enforcement may transport to crisis intervention centers as the result of this bill. The fiscal effect on KDADS would be dependent on how each crisis intervention center is funded. Currently, KDADS provides contract funding to at least three centers. Any increase in their caseload could impact the costs of the contracts moving forward.

Enactment of HB 2240 could have a fiscal effect for cities because some crisis intervention centers are supported by city-generated revenue. Existing crisis intervention centers

The Honorable Blaine Finch, Chairperson

February 15, 2017

Page 3—HB 2240

may experience an increase in the number of patients served which would increase operational costs. The bill would also require additional education and staff training for law enforcement personnel. The League of Kansas Municipalities indicates that due to the varying sizes and resources of Kansas cities, it is not possible to estimate the fiscal effect.

The Office of Judicial Administration indicates that HB 2240 could have a significant effect on Judicial Branch expenditures because the bill requires affidavits and petitions to be filed with district court for review. This would increase the time spent by district court judicial and nonjudicial personnel processing and reviewing the documents; however, the Office is unable to make an estimate of the fiscal effect.

Enactment of HB 2240 could result in additional reports or complaints regarding physicians alleged to have violated the requirements in the bill, which could result in an increased number of investigations performed by the Board of Healing Arts. Potential increases in investigations would increase operational expenses; however, the Board is unable to estimate the additional costs. Any fiscal effect associated with HB 2240 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Cody Gwaltney, Aging & Disability Services
Cathy Brown, Board of Healing Arts
Ashley Michaelis, Judiciary
Brock Ingmire, League of Municipalities