

Fiscal Note

BILL # SB 1113

TITLE: court-ordered treatment; enhanced services

SPONSOR: Barto

STATUS: As Introduced

PREPARED BY: Morgan Dorcheus

Description

The bill would allow the Courts to enter an order for enhanced behavioral health treatment services after considering evidence relating to the individual's condition, recent hospitalization or incarceration, and the patient's willingness or ability to participate in or adhere to treatment. The bill would also require that any treatment deemed necessary be provided regardless of the patient's eligibility to receive federal assistance for enhanced services.

Estimated Impact

The bill may increase costs to the counties for paying enhanced treatment services expenses that are not covered by state Medicaid plans. The total impact would ultimately depend on the frequency in which the Courts utilize orders for enhanced treatment services.

We have asked the counties for an estimate of the bill's impact, but we have not yet received a response. AHCCCS estimates that the bill could increase costs by \$35.0 million in Total Funds, of which \$12.0 million would be from the General Fund. This estimate is highly speculative, and costs could be lower depending on actual utilization. The Department of Health Services does not expect the bill to impact the population at the Arizona State Hospital and would not increase the department's costs.

Analysis

The bill would allow the Courts to enter an order for enhanced treatment services if, by clear and convincing evidence, the patient is determined to meet the following criteria:

- The patient has demonstrated a continuing unwillingness or inability to participate or adhere to treatment.
- If the patient does not receive treatment, there is a substantial risk that the patient's condition will deteriorate to the point of harming self or others, or the patient is in danger of suffering harm due to the inability to provide for basic personal needs.

An enhanced treatment services plan would include an intensive care manager to facilitate treatment services and continually assess the patient's progress, housing or residential placement, and any transportation services necessary for the patient's compliance with treatment. The bill would also require the patient to receive any treatment deemed necessary to improve the patient's condition or protect the public regardless of the patient's eligibility to receive federal assistance, but does not specify the entity that would be responsible for paying the costs.

Local Government Impact

Costs to the counties would increase to the extent that the counties are required to pay expenses for enhanced treatment services that are not covered by state Medicaid plans. We have asked the counties to provide their perspective on the bill's impact; however, the impact would ultimately depend on the frequency in which the Courts utilize enhanced treatment services orders.

2/1/22

