



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 22-0144
Prime Sponsors:

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Bill Status: Bill Request
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Bill Topic: **EMERGENCY MENTAL HEALTH TREATMENT AND EVAL STANDARD**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill changes the standard for an emergency 72-hour mental health hold. It increases state expenditures and local workload on an ongoing basis.

Appropriation Summary: For FY 2022-23, the bill requires an appropriation of \$160,936 to the Department of Human Services.

Fiscal Note Status: The fiscal note reflects the bill draft requested by the Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems.

**Table 1
State Fiscal Impacts Under Bill 6**

	Budget Year FY 2022-23	Out Year FY 2023-24
Revenue	-	-
Expenditures		
General Fund	\$160,936	\$152,551
Centrally Appropriated	\$16,598	\$18,289
Total Expenditures	\$177,534	\$170,840
Total FTE	1.3 FTE	1.3 FTE
Transfers	-	-
TABOR Refund	-	-

Summary of Legislation

This bill changes the standard for an emergency 72-hour mental health commitment for treatment and evaluation (mental health hold) to include when a person appears to have a mental health disorder or be gravely disabled, and if a person appears to present a substantial risk of harm to self or others. It also defines “substantial risk.”

Assumptions

In calendar year 2019, 49,754 mental health holds were placed in Colorado. This fiscal note assumes that by lowering the threshold for placing mental health holds, this bill may increase the number of holds placed.

State Expenditures

The bill increases state expenditures in the Department of Human Services by \$177,534 in FY 2022-23 and \$170,840 in FY 2023-24 from the General Fund. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under Bill 6

	FY 2022-23	FY 2023-24
Department of Human Services		
Personal Services	\$84,387	\$92,059
Operating Expenses	\$1,350	\$1,350
Capital Outlay Costs	\$6,200	-
Legal Services	\$68,999	\$59,142
Centrally Appropriated Costs ¹	\$16,598	\$18,289
FTE – Personal Services	0.9 FTE	1.0 FTE
FTE – Legal Services	0.4 FTE	0.3 FTE
Total Cost	\$177,534	\$170,840
Total FTE	1.3 FTE	1.3 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Human Services. The Office of Behavioral Health requires 1.0 FTE program manager to interpret and promulgate rules, update health and legal forms, and provide statewide training and support to ensure accurate use of 72-hour mental health holds based on the new criteria. Training and technical assistance on the new criteria will be provided to all professionals allowed to place mental health holds, including medical professionals, peace officers, and courts.

Legal services. DHS will require legal services to review the new criteria, modify legal forms, and for ongoing litigation expenses. This work will require 700 legal services hours in FY 2022-23 and 600 hours in future years, at the blended hourly rate of \$98.57.

Judicial Department. To the extent that changing the standard for an emergency 72-hour mental hold increases mental health case filings, workload for the judicial agencies may increase. Any increase in workload is expected to be minimal and absorbable.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Local Government

To the extent that this bill increases the number of individuals placed in a mental health hold, workload will increase for local agencies to provide services and treatment.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2022-23, this bill requires a General Fund appropriation of \$160,936 and 0.9 FTE to the Department of Human Services. Of this amount, \$68,999 is reappropriated to the Department of Law, and 0.4 FTE.

State and Local Government Contacts

Human Services

Judicial

Public Safety