

Multiple Agency Fiscal Note Summary

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| Bill Number: 5130 SB | Title: Assisted outpatient treat. |
|-----------------------------|--|

Estimated Cash Receipts

NONE

| Agency Name | 2023-25 | | 2025-27 | | 2027-29 | |
|---------------------|------------------|-------|-----------|-------|-----------|-------|
| | GF- State | Total | GF- State | Total | GF- State | Total |
| Local Gov. Courts | No fiscal impact | | | | | |
| Loc School dist-SPI | | | | | | |
| Local Gov. Other | | | | | | |
| Local Gov. Total | | | | | | |

Estimated Operating Expenditures

| Agency Name | 2023-25 | | | | 2025-27 | | | | 2027-29 | | | |
|--|------------|----------|-------------|----------|------------|----------|-------------|----------|------------|----------|-------------|----------|
| | FTEs | GF-State | NGF-Outlook | Total | FTEs | GF-State | NGF-Outlook | Total | FTEs | GF-State | NGF-Outlook | Total |
| Administrative Office of the Courts | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 |
| Washington State Health Care Authority | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 |
| Total \$ | 0.0 | 0 | 0 | 0 | 0.0 | 0 | 0 | 0 | 0.0 | 0 | 0 | 0 |

| Agency Name | 2023-25 | | | 2025-27 | | | 2027-29 | | |
|---------------------|--|----------|-------|---------|----------|-------|---------|----------|-------|
| | FTEs | GF-State | Total | FTEs | GF-State | Total | FTEs | GF-State | Total |
| Local Gov. Courts | No fiscal impact | | | | | | | | |
| Loc School dist-SPI | | | | | | | | | |
| Local Gov. Other | Non-zero but indeterminate cost and/or savings. Please see discussion. | | | | | | | | |
| Local Gov. Total | | | | | | | | | |

Estimated Capital Budget Expenditures

| Agency Name | 2023-25 | | | 2025-27 | | | 2027-29 | | |
|--|------------|----------|----------|------------|----------|----------|------------|----------|----------|
| | FTEs | Bonds | Total | FTEs | Bonds | Total | FTEs | Bonds | Total |
| Administrative Office of the Courts | .0 | 0 | 0 | .0 | 0 | 0 | .0 | 0 | 0 |
| Washington State Health Care Authority | .0 | 0 | 0 | .0 | 0 | 0 | .0 | 0 | 0 |
| Total \$ | 0.0 | 0 | 0 | 0.0 | 0 | 0 | 0.0 | 0 | 0 |

| Agency Name | 2023-25 | | | 2025-27 | | | 2027-29 | | |
|---------------------|--|----------|-------|---------|----------|-------|---------|----------|-------|
| | FTEs | GF-State | Total | FTEs | GF-State | Total | FTEs | GF-State | Total |
| Local Gov. Courts | No fiscal impact | | | | | | | | |
| Loc School dist-SPI | | | | | | | | | |
| Local Gov. Other | Non-zero but indeterminate cost and/or savings. Please see discussion. | | | | | | | | |
| Local Gov. Total | | | | | | | | | |

Estimated Capital Budget Breakout

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|---|---------------------------------|---------------------------------|
| Prepared by: Robyn Williams, OFM | Phone: (360) 704-0525 | Date Published: Final |
|---|---------------------------------|---------------------------------|

Judicial Impact Fiscal Note

| | | |
|-----------------------------|--|--|
| Bill Number: 5130 SB | Title: Assisted outpatient treat. | Agency: 055-Administrative Office of the Courts |
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note for Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

| | | |
|------------------------------------|-----------------------|------------------|
| Legislative Contact: Kevin Black | Phone: (360) 786-7747 | Date: 01/09/2023 |
| Agency Preparation: Angie Wirkkala | Phone: 360-704-5528 | Date: 01/11/2023 |
| Agency Approval: Chris Stanley | Phone: 360-357-2406 | Date: 01/11/2023 |
| OFM Review: Gaius Horton | Phone: (360) 819-3112 | Date: 01/16/2023 |

177,872.00

Request # 014-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

The proposed legislation amends RCW 71.05 and RCW 71.34 relating to assisted outpatient treatment. The Administrative Office of the Courts would have to update court forms to address changes made by the bill.

II. B - Cash Receipts Impact

II. C - Expenditures

Minimal Fiscal Impact. The form changes are estimated to take 15 hours and cost less than \$2,000.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

NONE

III. B - Expenditure By Object or Purpose (County)

NONE

III. C - Expenditure By Object or Purpose (City)

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

Individual State Agency Fiscal Note

| | | |
|-----------------------------|--|---|
| Bill Number: 5130 SB | Title: Assisted outpatient treat. | Agency: 107-Washington State Health Care Authority |
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

| | | |
|-----------------------------------|-----------------------|------------------|
| Legislative Contact: Kevin Black | Phone: (360) 786-7747 | Date: 01/09/2023 |
| Agency Preparation: Hanh OBrien | Phone: 360-725-1447 | Date: 01/13/2023 |
| Agency Approval: Madina Cavendish | Phone: 360-725-0902 | Date: 01/13/2023 |
| OFM Review: Robyn Williams | Phone: (360) 704-0525 | Date: 01/16/2023 |

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

See attached narrative.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

See attached narrative.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

See attached narrative.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

HCA Fiscal Note

Bill Number: 5130 SB

HCA Request #: 23-016

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

An act relating to assisted outpatient treatment (AOT) for persons with behavioral health disorders by resolving several conflicts created by SHB 1773 passed in 2022 Legislative Session.

Sec 1(10) – amends RCW 71.05.148 (Assisted outpatient treatment – Petitions, court orders for less restrictive alternative treatment – Procedure) to add this section does not apply to a person who is currently detained for involuntary treatment for 90 days or 180 days under RCW 71.05.240 or RCW 71.05.320.

Sec 2 - amends RCW 71.05.365 (Involuntary commitment – individualized discharge plan) to remove the requirement to consider filing a petition for AOT for a person on a 90-day or 180-day inpatient order, discharging from a hospital.

Sec 10(1)(4) – amends RCW 71.34.815 (Assisted outpatient treatment – Petitions, court orders for less restrictive alternative treatment – Procedure (Youth)) to add to petition for AOT does not apply to a minor who is currently detained for involuntary treatment for 14 days or 180 days under RCW 71.34.140 or RCW 71.34.150. AOT process would apply now only to those youth in the community not yet detained, not already on an outpatient order, or those detained for 120 hours of inpatient treatment.

II. B - Cash Receipts Impact

None

II. C – Expenditures

No fiscal impact.

Court Costs: HCA assumes the implementation of the proposed bill will be statewide and not just in King County.

Sec 1(10) and 10(4) AOT process would apply now only to those in the community and not already under a less restrictive treatment order, those detained for 120 hours of inpatient treatment, and those (adults) detained on a 14-day order for inpatient treatment. The Health Care Authority (HCA) does not anticipate an increase in court cost of this bill.

Last year, HCA calculated fiscal impact based on a range of 20 percent to 30 percent of the persons get discharged on to a 90 days less restrictive order (LRO) would have been appropriate for AOT. 2022 Supplemental Budget appropriated funding based on 12.5 percent of the persons get discharged on to a 90 days LRO would have been appropriate for AOT. The proposed bill calculation would start at 12.5 percent of those being discharged from the hospital on a LRO after a 120 hours or 14 days stay (and for youth only the 120 hours).

Part IV: Capital Budget Impact

None

Part V: New Rule Making Require

None

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5130 SB

Title: Assisted outpatient treat.

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:
- Counties:
- Special Districts: Indeterminate costs for Behavioral Health-Administrative Service Organizations due to higher number of patients referred for assisted outpatient treatment.
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Number of patients referred for assisted outpatient treatment.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

| | | |
|-------------------------------------|-----------------------|------------------|
| Fiscal Note Analyst: Alice Zillah | Phone: 360-725-5035 | Date: 01/16/2023 |
| Leg. Committee Contact: Kevin Black | Phone: (360) 786-7747 | Date: 01/09/2023 |
| Agency Approval: Allan Johnson | Phone: 360-725-5033 | Date: 01/16/2023 |
| OFM Review: Robyn Williams | Phone: (360) 704-0525 | Date: 01/16/2023 |

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

Sec. 1 amends RCW 71.05.148. A person is in need of assisted outpatient treatment if the court finds by a preponderance of the evidence pursuant to a petition filed under this section. The petition must include: A declaration from a physician, physician assistant, advanced registered nurse practitioner, the person's treating mental health professional or substance use disorder professional, or in the case of a person enrolled in treatment in a behavioral health agency, the person's behavioral health case manager. This section does not apply to a person who is currently detained for involuntary treatment under RCW 71.05.240 or 71.05.320.

Sec. 2 and Sec. 4 amend RCW 71.05.365 and RCW 71.05.590, respectively. A person must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.05.320 or the person accepts voluntary treatment.

Sec. 5 and Sec. 6 amend RCW 71.34.020 and RCW 71.34.020, respectively. "Less restrictive alternative" or "less restrictive setting" is modified to include treatment pursuant to an assisted outpatient treatment order under RCW 71.34.815. "In need of assisted outpatient treatment" refers to a minor who meets the criteria for assisted outpatient treatment established under RCW 71.34.815.

Sec. 7 and Sec. 8 amend RCW 71.34.740. If the court finds by a preponderance of the evidence that the minor is in need of assisted outpatient treatment pursuant to a petition filed under RCW 71.34.815, the court shall order an appropriate less restrictive course of treatment for up to 18 months.

Sec. 9 and Sec. 10 amend RCW 71.34.780. An agency or facility designated to monitor or provide less restrictive alternative treatment services to a minor under a court order or conditional release may take a range of actions to enforce the terms of the order or conditional release in the event the minor is not adhering to the terms or is experiencing substantial deterioration, decompensation, or a likelihood of serious harm.

If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order was based on a petition under RCW 71.34.740 or 71.34.815. The minor must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.34.750 or the minor accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release was based on a petition under RCW 71.34.750, the number of days remaining on the less restrictive alternative treatment order or conditional release must be converted to days of inpatient treatment.

Sec. 11 amends RCW 71.34.815. An adolescent is in need of assisted outpatient treatment if the court finds by a preponderance of the evidence in response to a petition filed under this section that: (c) The adolescent has a history of lack of compliance with treatment for his or her behavioral health disorder that has: (i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the adolescent, or the adolescent's receipt of services in a forensic or other mental health unit of a state juvenile rehabilitation facility or local juvenile detention facility, provided that the 36-26 month period shall be extended by the length of any hospitalization or incarceration of the adolescent that occurred within the 36-month period. This section shall not apply to a minor who is currently detained for involuntary treatment under RCW 71.34.740 or 71.34.750.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

The legislation would have indeterminate impacts to Behavioral Health-Administrative Service Organizations (BH-ASOs) which are funded in part by counties. The bill is likely to result in a higher number of adults and adolescents being referred

for assisted outpatient assistance. Because the number of referrals is not known, and because many or most of these patients will be eligible for Medicaid or covered by private insurance, the total impacts cannot be estimated at this time.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

The legislation would have no revenue impact for local governments.

SOURCES:

Washington State Health Care Authority
Administrative Office of the Courts