

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE
Revised

House Bill 64 (Chairman, Environmental Matters Committee)
(Departmental - Health and Mental Hygiene)
Environmental Matters

Refusal of Psychiatric Medication - Clinical Review Panel

This departmental bill extends the sunset date for current law relating to the refusal of psychiatric medication from June 30, 1999 to June 30, 2001. The bill takes effect June 1, 1999.

Fiscal Summary

State Effect: None. State finances for in-patient psychiatric hospital treatment and administrative law hearings would continue in FY 2000.

Local Effect: None.

Small Business Effect: The Department of Health and Mental Hygiene has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Fiscal Analysis

Background: Under current law medication may not be administered to an individual who refuses the medication, unless: (1) in an emergency, a physician deems it a matter of danger to life and safety; or (2) in a non-emergency, the individual is hospitalized involuntarily or committed for treatment by court order and the medication is approved by a clinical review panel. The panel may approve medication if it is prescribed by a psychiatrist for treating the individual's mental disorder, represents a reasonable exercise of professional judgment, and the individual is at substantial risk of continued hospitalization without the medication. An

individual may request an administrative hearing to appeal the panel's decision if the request is made within 48 hours of the decision. The Office of Administrative Hearings must conduct a hearing and issue a decision within seven days of the panel decision.

The Department of Health and Mental Hygiene prepared a January 1999 evaluation report on clinical review panels as required by current law and found that for fiscal years 1995-1998, 949 review panels were convened in State and private hospitals. Ninety percent of the panels approved administration of medication; of the panel approvals, almost half were appealed by the patient.

State Expenditures: State expenditures will be maintained because the bill proposes to continue current practice regarding treatment with medication for a non-consenting patient in a State psychiatric hospital. The fiscal 2000 budget includes approximately \$210,000 to implement clinical review panels and due process procedures.

If current law is allowed to sunset, hospital expenditures could increase because length of stays increase by an estimated 60 days for untreated patients. As a result, State psychiatric hospital expenditures could increase by an estimated \$4.7 million, which assumes a cost of \$452/day x 60 days x 175 patients.

Information Source(s): Department of Health and Mental Hygiene (Mental Hygiene Administration), Department of Legislative Services

Fiscal Note History: First Reader - February 8, 1999
ncsjr Revised - Enrolled Bill - May 4, 1999

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