

**COMMONWEALTH OF KENTUCKY STATE FISCAL NOTE STATEMENT
LEGISLATIVE RESEARCH COMMISSION
2017 REGULAR SESSION**

MEASURE

2017 BR NUMBER **1129**

HOUSE BILL NUMBER **305GA**

RESOLUTION NUMBER _____

AMENDMENT NUMBER _____

SUBJECT/TITLE **An ACT relating to civil actions.**

SPONSOR **Representative Moser**

NOTE SUMMARY

FISCAL ANALYSIS: IMPACT NO IMPACT INDETERMINABLE IMPACT

LEVEL(S) OF IMPACT: STATE LOCAL FEDERAL

BUDGET UNIT(S) IMPACT: **Finance and Administration Cabinet; Kentucky Court of Justice**

FUND(S) IMPACT: GENERAL ROAD FEDERAL RESTRICTED AGENCY _____ OTHER

FISCAL SUMMARY

FISCAL ESTIMATES	2016-2017	2017-2018	ANNUAL IMPACT AT FULL IMPLEMENTATION
REVENUES			
EXPENDITURES		Indeterminable	Indeterminable
NET EFFECT		(Indeterminable)	(Indeterminable)

() indicates a decrease/negative

MEASURE'S PURPOSE: The purpose of the measure is to establish procedures for involuntary treatment for alcohol and other drug abuse.

PROVISIONS/MECHANICS: Section 1 amends KRS 222.431 to specify that no person shall be ordered to undergo alcohol and other drug abuse treatment unless the person can reasonably benefit from treatment in accordance with a qualified health professional's recommendation.

Section 2 amends KRS 222.432 to provide that a judge can order a person to undergo treatment for up to one year; clarifies that the petition for treatment may be initiated in a District Court in the county in which the person resides on a permanent or temporary basis; clarifies that the petitioner is responsible for only those costs of evaluation and treatment not covered by a third-party payor; and clarifies that no petitioner shall be required to place a deposit with the court to cover the costs of evaluation and treatment.

Section 3 amends KRS 222.433 to clarify that the petitioner can choose the qualified health professionals who will evaluate the respondent; allows an examination of a qualified health professional performed within the last three months to be admissible as one of the required

examinations; allows the petitioners an opportunity to file the correct paperwork and to gather additional evidence; allows for the renewal of the petition for treatment beyond one year; allows the court order to be amended to place the respondent in a more appropriate treatment program; and specifies that the fee for any appointed counsel for the respondent shall not exceed \$500.

Section 4 amends KRS 222.434 to clarify that the District Court of any county where the person may be found may issue a 72 hour emergency treatment order, and to specify the procedures to be followed in contempt proceedings.

Section 5 creates a new section of KRS 222.430 to 222.437 to require treatment programs to notify the court when the respondent fails to appear or participate in treatment as ordered by the court.

Section 6 amends KRS 222.435 to allow the petitioner, or a person chosen by the petitioner, to transport the respondent to a hospital, to an examination, or to a treatment program.

Section 7 creates a new section of KRS 222.430 to 222.437 to provide that proceedings are not open to the public and that any court records of a respondent are confidential.

Section 8 amends KRS 222.470 to require Medicaid and private insurers to use comparative medical necessity and reimbursement methodology to cover alcohol and other drug abuse treatment services.

Section 9 amends KRS 620.100 to raise the maximum payment for legal representation for minors and/or indigent custodians in dependency, neglect, and abuse cases with final disposition in District Court from \$250 to \$500 (consistent with Circuit/Family Court).

FISCAL EXPLANATION: The Cabinet for Health and Family Services estimates that the legislation would not have a fiscal impact on the Cabinet. Section 8(2) of the bill requires that medical necessity would have to be met before the Department for Medicaid Services and its contractors would authorize alcohol and other drug abuse treatment services as Medicaid-eligible services.

Section 9 of the legislation increases the payments to Guardian Ad Litem/Court Appointed Counsel from \$250 to \$500 for dependency, neglect, and abuse cases with final disposition in District Court. Disbursements from the Finance and Administration Cabinet to attorneys who are Guardian Ad Litem/Court Appointed Counsel can be tracked by county in the statewide accounting system. Using fiscal year 2016 expenditure data and assuming payments to attorneys in counties without a Family Court were payments for cases with final disposition in District Court, the Cabinet derived an estimate of increased expenditures of approximately \$1.1 million per year.

The provisions set forth in Section 5 allow the court to initiate contempt proceedings if the treatment program provides a report of noncompliance by the respondent. The respondent may be held in jail until transported to the treatment program, which may cause local jails to incur costs.

Under the provisions of Section 7, records from the court proceedings will be confidential and subject to inspection and expungement to the same extent and utilizing the same process as covered under KRS 202A.091. The Kentucky Court of Justice already processes expungement requests for 202A cases, so the additional impact for the provisions in the legislation Act are expected to be minimal and indeterminable.

DATA SOURCE(S): Finance and Administration Cabinet; Cabinet for Health and Family Services; Office of Budget Review Staff

PREPARER: Miriam Fordham NOTE NUMBER: 151 REVIEW: JRS DATE: 3/8/2017