

Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement

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ENGROSSED

Bill Number: SB1094

Patron: Jordan

Bill Title: Involuntary temporary detention orders; definition of "psychiatric emergency department."

Bill Summary: Amends the definition of "psychiatric emergency department" as it relates to involuntary temporary detention orders to remove the requirement that a psychiatric emergency department be located adjacent to a facility licensed by the Department of Behavioral Health and Developmental Services and to add a requirement that a psychiatric emergency department be licensed by either the Department of Behavioral Health and Developmental Services or the Department of Health. The engrossed version includes a requirement that a psychiatric emergency room shall comply with requirements that provide that at least one physician who is licensed to practice medicine in the Commonwealth and is primarily responsible for the emergency department be on duty and physically present at all times.

Budget Amendment Necessary: Indeterminate **Items Impacted:** 293

Fiscal Summary: There is an indeterminate impact on the Department of Behavioral Health and Developmental Services. The Department of Health has indicated minimal impact that can be absorbed in existing resources.

Fiscal Analysis: This bill has an indeterminate fiscal impact on the Department of Behavioral Health and Developmental Services (DBHDS) as it allows for a psychiatric emergency room to be licensed by either DBHDS or the Virginia Department of Health (VDH). Currently, emergency rooms are licensed by VDH and DBHDS does not currently have a licensing process, staff, or regulations for this type of facility. The legislation does not specify what determines whether a facility will be licensed by DBHDS or VDH, so the administrative cost to DBHDS is unknown.

For reference, the DBHDS' program for licensing and regulations is currently funded at \$8,165,639 (GF) with 90 employees. Based on current staffing, each licensing specialist is responsible for an average of 286 locations. This is 3.25 times greater than the national average of 88 cited by the National Association for Regulatory Administration. Adding additional licensing requirements cannot be easily absorbed.

Other: This bill is a companion to HB1895.