



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: **HB0949.01: Require fee schedule and report for certain commitments**

Primary Sponsor: **Mary Caferro**

Status: **As Introduced**

☐ Included in the Executive Budget

☐ Needs to be included in HB 2

☐ Significant Local Gov Impact

☐ Significant Long-Term Impacts

☒ Technical Concerns

☐ Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
Expenditures				
Revenues				
Net Impact	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
General Fund Balance	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact

HB 949 requires the department to report on civil commitments and court-ordered detentions. "Court-ordered detentions" are a court-ordered extension of an emergency detention. That period can last from 1 to a possible 30 days. However, the number of days is usually no more than 5 days. Additionally, the bill requires the Department of Public Health and Human Services to establish a fee schedule and administrative rules for certain civil commitments to community facilities, community programs, or behavioral health inpatient facilities.

FISCAL ANALYSIS

Assumptions

Department of Public Health and Human Services (department)

1. The department assumes that it can absorb the required reporting requirements in Section 1 of HB 949.
2. The department will establish a fee schedule and associated administrative rules for individuals committed to community facilities or programs or behavioral health inpatient facilities as required in Sections 2 and 3 with existing department resources.
3. The department's fee schedules will mirror current Medicaid rates for existing Medicaid behavioral health services.
4. Due to the ambiguities in the law noted in technical notes #1 and #2, the department is unable to calculate the fiscal impact of this bill.

Judiciary

5. HB 949 requires the Department of Public Health and Human Services to establish a fee schedule and administrative rules to address the payment of costs associated with the commitment of a person to a community facility or program.
6. The bill does not specify a fee and who would pay it.
7. There is no fiscal impact to the Judicial Branch.

Fiscal Analysis Table

	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>	<u>FY 2028</u> <u>Difference</u>	<u>FY 2029</u> <u>Difference</u>
<u>Fiscal Impact</u>				
<u>Expenditures</u>				
<u>Funding of Expenditures</u>				
<u>Revenues</u>				
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Technical Concerns

Department of Public Health and Human Services (department)

1. Section 2 of the bill amends MCA 53-21-149 to require the department to establish a fee schedule and administrative rules to address the payment of costs associated with the commitment of a person to a community facility or program. Community facility or program is not currently defined in MCA, but used frequently throughout Title 53, Chapter 21.
2. Section 3 of the bill amends MCA 53-21-193 to require the department to establish a fee schedule and administrative rules to address the payment of costs associated with the commitment of a person to a behavioral health inpatient facility. Montana does not currently have any licensed behavioral health inpatient facilities as defined in MCA 53-21-102 (2).
3. The bill requests the department set a fee schedule for "holdover" emergency detentions, i.e., "court-ordered detentions." This holdover time, in most cases, spans the time between the initial day of emergency detention and actual admission to the MSH. A private hospital, if that is considered a "community facility," currently bears this expense when MSH does not. The department does not have data on the costs to a private facility to perform this function. Those costs may vary widely from county to county, based on upon service availability, or total lack thereof.
4. Due to the ambiguities in the law noted in technical notes #1 and #2 above, the department is unable to calculate the fiscal impact of HB 949.

May M-Cofino
Sponsor's Initials

4-5-2025
Date


Budget Director's Initials

4/4/2025
Date