

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5997H.011
Bill No.: HB 2516
Subject: Health Care; Mental Health
Type: Original
Date: February 23, 2026

Bill Summary: This proposal establishes the "Family Mental Health Advocacy and Patient Rights Act".

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue	(Could exceed \$4,651,503)	(Could exceed \$4,754,399)	(Could exceed \$4,838,245)
Total Estimated Net Effect on General Revenue	(Could exceed \$4,651,503)	(Could exceed \$4,754,399)	(Could exceed \$4,838,245)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue	Could exceed 35 FTE	Could exceed 35 FTE	Could exceed 35 FTE
Total Estimated Net Effect on FTE	Could exceed 35 FTE	Could exceed 35 FTE	Could exceed 35 FTE

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§630.140, 632.180 and 632.322 - "Family Mental Health Advocacy and Patient Rights Act"

Officials from the **Department of Mental Health (DMH)** state the proposed legislation amends Chapters 630, and 632 establishes the "Family Mental Health Advocacy and Patient Rights Act" to add provisions related to mental health patients.

Section 630.140 adds a "qualified family advocate" to the list of those entitled to the records under Section 632.322. Section 632.180 establishes the Family Mental Health Advocacy and Patient Rights Act. It establishes several rights that the admitted individuals are entitled to. These include dignity and humane treatment; a responsible advocate; clear explanation of diagnosis, treatment, and medication; participation in care decisions to the fullest extent possible; safe and coordinated discharge; and a rapid appeal process for involuntary detention. Mental health facilities are required to post these rights and provide them in writing to patients. The DMH shall investigate any complaints or violations of these rights. Section 632.322 includes provisions that allow for a qualified family advocate to access and participate upon the detention of an individual until said individual achieves documented restoration of capacity. A "qualified family advocate" is an individual who is 18 years of age or older; related to the respondent within the first degree of consanguinity or affinity; has resided in the same household as the respondent for a period of at least 30 consecutive days before the date the respondent was detained for evaluation and treatment at a mental health facility; and is not subject to any active order of protection or substantiated finding of abuse.

The bill requires that the DMH "investigate any complaints alleging violations of the rights described in this section and issue orders for corrective actions or impose any other appropriate administrative sanctions for such violations." This imposes investigative and regulatory responsibilities that DMH does not currently possess, nor does the department have the infrastructure to perform. DMH consulted with the Department of Health and Senior Services (DHSS) about general costs for an infrastructure that supports these types of activities as DHSS investigates complaints.

According to information from the Office of State Courts Administrator, of the 15,726 96-hour mental health related cases filed during Fiscal Year 2025, 3,784 resulted in a detention as of February 19th, 2026. The department does not know how many of such detentions would result in a complaint to the department. Assuming a 50% complaint-rate, this would result in the department investigating approximately 2,000 complaints per year.

Based on this volume of complaints, the department would anticipate needing at least 35.00 FTE and associated expenses and equipment. Positions include Regulatory Auditors, Regulatory Auditor Supervisors, and Attorneys based in several locations around the state. The estimate is based on an assumed number of complaints that the department would have to investigate

pursuant to these provisions. It is likely that the complaint volume could be greater than estimated in this fiscal note response. As such, actual costs could be greater than presented.

The DMH is a consolidated agency under OA-ITSD. The following are the DMH, OA/ITSD costs for this proposal:

This proposal bill appears to require a new web application that allows department staff to collect and manage complaints from consumers, family members and guardians related to violations of individuals rights granted by this act. It is assumed that DMH will have staff available to provide accurate on-time requirements, be available for system testing, and will provide support staff along with any long-term agency needs. The estimate was based on the level of effort from the development of other similar sized applications.

The estimated contracted costs for ITSD are as follows:

FY27 - Total Contractual: \$188,471

FY28 - Total Contractual/On-Going Support: \$38,637

FY29 - Total Contractual/On-Going Support: \$39,603

DMH estimates the fiscal impact of this proposal to be FY 2027 (\$4,651,503 to Unknown), FY 2028 (\$4,754,399 to Unknown), and FY 2029 (\$4,838,245 to Unknown).

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DMH as “Could exceed \$4,463,032” in FY 2027; “Could exceed \$4,715,762” in FY 2028 and “Could exceed \$4,798,642” in FY 2029. Oversight will reflect the estimates as provided by the DMH, OA/ITSD as presented above.

Officials from the **Department of Health and Senior Services (DHSS)** state section 632.180 of the proposed legislation creates the “Family Mental Health Advocacy and Patient Rights Act and outlines the rights granted to all individuals admitted, detained, or evaluated under Chapter 632. It also requires mental health facilities to post these rights in a conspicuous location and provide them in writing at the time of evaluation or admission.

Section 632.180.4(1)-(2) of the proposed legislation requires compliance under the licensing regulations applicable to mental health facilities and establishes that a violation is grounds for any administrative action authorized for violations of such regulations and requires the Department of Mental Health (DMH) to investigate complaints alleging violations and authorizes the issuance of orders for corrective action or imposition of administrative action authorized for violation of such regulations.

Section 632.180.5 of the proposed legislation gives DMH rulemaking authority.

The DHSS, Section for Health Standards and Licensure (HSL) is responsible for the licensure and regulation of hospitals. While DMH is given authority to promulgate rules and investigate complaints under the proposed legislation; there are several hospitals in which DRL shares

regulatory responsibilities with DMH. Complaints received as a result of the proposed legislation may intersect between the two Departments; therefore, HSL may experience minor additional work in terms of complaint investigations.

It is assumed that the Department can absorb the costs of this bill with current resources. However, if the workload significantly increased or other legislation was enacted, additional resources would be requested through the appropriation process.

Oversight assumes DHSS is provided with core funding to handle a certain amount of activity each year. Oversight assumes DHSS could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DHSS could request funding through the appropriation process. Officials from the DHSS assume the proposal will have no fiscal impact on their organization.

Officials from the **Office of the State Courts Administrator (OSCA)** state House Bill 2516 may have some impact but there is no way to quantify that amount currently. Any significant changes will be reflected in future budget requests.

Oversight notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 or (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Officials from the **Department of Public Safety-Missouri Highway Patrol, Department of Social Services, Phelps County Sheriff's Department, Branson Police Department, Kansas City Police Department** and **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police, sheriff and hospitals were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
GENERAL REVENUE			
<u>Cost – DMH (§§630.140, 632.180 and 632.322) p.3-4</u>			
Personal service	(\$2,033,492)	(\$2,488,994)	(\$2,538,774)
Fringe benefits	(\$1,294,337)	(\$1,572,833)	(\$1,592,855)
Equipment and expense	(\$1,135,203)	(\$653,935)	(\$667,013)
Total Costs - DMH	(Could exceed \$4,463,032)	(Could exceed \$4,715,762)	(Could exceed \$4,798,642)
FTE Change - DMH	Could exceed 35 FTE	Could exceed 35 FTE	Could exceed 35 FTE
<u>Cost – DMH, OA/ITSD (§§630.140, 632.180 and 632.322) p.4</u>			
	(\$188,471)	(\$38,637)	(\$39,603)
<u>Cost - OSCA (§§630.140, 632.180 and 632.322) Potential increase in court costs p.5</u>			
	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	(Could exceed \$4,651,503)	(Could exceed \$4,754,399)	(Could exceed \$4,838,245)
Estimated Net FTE Change on General Revenue	Could exceed 35 FTE	Could exceed 35 FTE	Could exceed 35 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

No direct fiscal impact on small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill establishes the "Family Mental Health Advocacy and Patient Rights Act".

The bill enumerates certain rights afforded to persons admitted, detained, or evaluated for mental health treatment, including but not limited to dignity and humane treatment, participation in care decisions to the fullest extent possible, and safe and coordinated discharge planning. Mental health facilities are required to post these rights in a conspicuous location and provide the rights in writing at the time of admission or evaluation. Compliance with this provision is required under the licensing regulations applicable to mental health facilities, and a violation of this section will be grounds for any administrative action authorized for violations of such regulations.

The bill provides that any detention of a person for evaluation and treatment as provided by current law automatically entitles a qualified family advocate, as that term is defined in the bill, to: (1) Access to treatment information necessary for safety, medication decisions, discharge planning, and continuity of care; and (2) Participation in treatment team meetings, including care plans, medication changes, risk assessments, and discharge or transfer decisions.

Upon documented restoration of capacity of the respondent, the qualified family advocate's access and participation under this bill's provisions will end, provided that the qualified family advocate must receive notification before the respondent's release from detention. The bill prohibits a mental health facility from implementing a blanket policy prohibiting family participation or citing confidentiality laws as the basis for denying the qualified family advocate access and participation under the provisions of this bill.

Compliance with this provision is required under the licensing regulations applicable to mental health facilities, and a violation of this section will be grounds for any administrative action authorized for violations of such regulations.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements. It would require additional rental space.

SOURCES OF INFORMATION

Department of Health and Senior Services
Department of Mental Health
Department of Public Safety - Missouri Highway Patrol
Department of Social Services
Joint Committee on Administrative Rules
Office of the State Courts Administrator
Office of the Secretary of State
Phelps County Sheriff's Department
Branson Police Department
Kansas City Police Department
St. Louis County Police Department



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February 23, 2026



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