

Department of Planning and Budget 2001 Fiscal Impact Statement

1. Bill Number HB1653

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Hamilton**3. Committee** Health, Welfare and Institutions**4. Title** Inspector General for MHMRSAS

- 5. Summary/Purpose:** This bill amends §§ 2.1-816 and 2.1-817 of the Code of Virginia. It clarifies the Inspector General (IG) role by further defining its powers and duties for oversight of and policy and operational recommendations for facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). It also requires that the Governor and General Assembly are to be kept fully and currently informed by expanding and more clearly defining report contents and submission requirements. It also requires timely notification to the attorneys for the Commonwealth and law enforcement as appropriate whenever the IG has reasonable grounds to believe there has been a violation of state criminal law. The bill also clarifies that the Office of the IG shall conduct unannounced inspections to each DMHMRSAS-operated facility at least once annually.

6. No Fiscal Impact.**7. Budget amendment necessary:** No.

- 8. Fiscal implications:** This bill clarifies the role of the Inspector General by amending § 2.1-816, more clearly defining the IG powers and duties. Specifically, it adds language that the IG is “3. *To provide oversight of and make policy and operational recommendations for facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services to prevent problems, abuses and deficiencies in and improve the effectiveness of their programs and services.*” It also amends the reporting requirements and adds a new section - § 2.1-816.1 - which requires semi-annual reporting and more clearly delineates the report contents and requirements. Also added is a requirement to notify the attorneys for the Commonwealth and law enforcement, as appropriate, when the IG has reasonable grounds to believe there has been a violation of state criminal law. Finally, §2.1-817 is amended to require unannounced inspections to DMHMRSAS-operated facilities at least once annually.

It is anticipated that the amendments made to the IG Office’s reporting requirements should not require additional staff. Although the current law requires annual, rather than semi-annual reporting, it is likely the development and publication, either electronically or by ‘paper publication’, of two reports can be absorbed within the existing staff workload and office resources. Information to be included in these reports is more clearly defined by this bill and language is added which requires, if

appropriate, review, comment, and recommendation of related reports prepared by DMHMRSAS and the Department for Rights of Virginians with Disabilities. These semi-annual reports are to be submitted by May 31 and November 30 each year and within 30 days of transmission, copies are to be made available to the public upon request and at a reasonable cost. It is anticipated that these reports could be provided electronically. Data is not available to project the cost of 'paper publication' of these semi-annual reports, but it is felt that the cost should be nominal for printing this type of report.

It is anticipated that the requirement to notify the attorneys for the Commonwealth and law enforcement when the IG has reasonable grounds to believe there has been a violation of state criminal law will not require additional IG staff resources.

Finally, is anticipated that the requirement for one unannounced site visit at least once each year by the IG's staff to each DMHMRSAS facility can be accommodated within existing staff workload.

9. Specific agency or political subdivisions affected: DMHMRSAS facilities

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 1/26/01 / kwm

Document: jlv G:\00-02\FY01\FIS\HB1653.doc

cc: Secretary of Health and Human Resources _____ PDF Created 1/26/2001 4:53:24 PM