

**Department of Planning and Budget
2002 Fiscal Impact Statement**

REVISED

1. Bill Number HB9

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

2. Patron Hamilton

3. Committee Health, Welfare, and Institutions

4. Title Create Office for Protection and Advocacy

5. Summary/Purpose:

The bill removes the Department for Rights of Virginians with Disabilities from the executive branch and makes it an independent state agency renamed the Virginia Office for Protection and Advocacy. The bill creates a governing board for the Office consisting of 11 members who are appointed by the Governor and the General Assembly for staggered terms. The Office is given the authority to access facilities and programs, receive notification of deaths in state facilities and to protect the confidentiality of records. In addition to making it an independent agency, the bill adds two additional responsibilities: (1) Monitor compliance with human rights regulations and make the reports available to the public and (2) Establish within the Office an ombudsman program and create the Protection and Advocacy Fund.

6. Fiscal Impact Estimates are:

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2001-02	0	0	N/A
2002-03	\$523,833	7	GF
2002-03	\$17,056	0	NGF
2003-04	\$514,600	7	GF
2003-04	\$17,056	0	NGF

7. Budget amendment necessary: Yes, Items 86 -89 and new items under Independent Agencies starting at Item 532

8. Fiscal implications: The proposal to create an independent agency from the Department for the Rights of Virginians with Disabilities (DRVD) can be accomplished with minimal fiscal impact that can be absorbed by the agency's federal funding. Annual costs for four meetings of the governing board are estimated at \$17,056 in federal funds.

However, this bill also creates two new duties and responsibilities for the new agency that will require additional state funding and positions. This revision changes the estimated costs for the agency to implement these new duties and responsibilities. The revision assumes that the new agency can monitor compliance with human rights regulations using the compliance monitoring results of the Office of Human Rights in the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS).

Because of the number of additional people assigned to the agency, the agency may have to relocate. Any relocation expenses are not included.

Monitor human rights regulations . The bill requires the new agency to monitor compliance with human rights regulations pursuant to Article 3 of Chapter 2 of Title 37.1. These regulations apply not only to the 15 state facilities under the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS), but also to all providers that are licensed by or have a contract with DMHMRSAS. This includes private providers, the 40 Community Services Boards, and group homes, or approximately 500 additional providers including 49 private hospitals at approximately 1,200 locations.

Section 37.1 -84.1 currently requires DMHMRSAS to monitor compliance with the human rights regulations by these providers. DMHMRSAS estimates that approximately one-third of the work for 25 staff in its Office of Human Rights is required to monitor compliance with human rights regulations. This office also receives assistance in monitoring compliance from staff members assigned to the licensing function.

The estimated costs for the new agency to monitor compliance with human rights regulations assume that the new agency can perform the monitoring through review of the DMHMRSAS efforts. The estimated costs assume that two compliance investigators are hired as of July 10, 2002.

Estimated Costs (compliance monitoring unit)	FY2002 -2003	FY2003 -2004
2 compliance monitors	\$91,666	\$100,000
DGS/DRS support (personnel, audit, information systems)	15,000	15,000
Rent	25,000	25,000
Telephones	8,000	8,000
Computers	4,000	0
Office supplies	3,000	1,500
Postage & printing	4,000	4,000
Travel	8,000	8,000
Furniture	6,000	0
Total General Fund	\$164,666	\$161,500

Create ombudsmen program . The bill also requires the new agency to develop and establish an ombudsman program and create an ombudsmen section. This unit would receive complaints and conduct investigations to resolve and mediate complaints regarding activities, practices, policies, or procedures of any hospital, facility, or program operated, funded, or licensed by state or local agencies that affect the health, safety, welfare, or civil or human rights of any disabled person. It is estimated that at between three and four ombudsmen and two additional staff for both units (a support person and a supervisor) will be needed. The estimated costs assume three ombudsmen positions, a support person, and a supervisor with the positions filled by July 10, 2002.

Estimated Costs(ombudsmen unit)	FY2002 -2003	FY2003 -2004
3ombudsmenpositions	\$116,050	\$126,600
1supportstaffposition	42,167	46,000
1supervisor	68,750	75,000
DGS/DRSsupport(personnel,audit,informationsystems)	30,000	30,000
Rent	40,000	40,000
Telephones	16,000	16,000
Computers	10,000	0
Officesupplies	5,000	2,500
Postage&printing	7,000	7,000
Travel	10,000	10,000
Furniture	15,000	0
TotalGeneralFund	\$359,967	\$353,100

9. Specific agency or political subdivisions affected: Department of Mental Health, Mental RetardationandSubstanceAbuseServices;DepartmentforRightsofVirginianswithDisabilities

10. Technicalamendmentnecessary:No

11. Othercomments:None.

Date: 01/16/02/amk

Document: G\ Agencies\DRVD\HB9.DOC)

cc:Secretar yofAdministration