

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number: HB2826

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

2. Patron: Orrock

3. Committee: Passed both Houses

4. Title: Brain Injury Waiver; licensing authority

5. Summary/Purpose: This bill authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to license providers of services under the Medicaid Brain Injury Waiver and providers of residential services for persons with brain injury. The bill defines “brain injury” for waiver purposes and requires the Department of Rehabilitative Services (DRS) to collaborate with DMHMRSAS in activities related to the licensing of Brain Injury Waiver service providers. The bill requires the State Board of Mental Health, Mental Retardation and Substance Abuse Services to promulgate necessary regulations within 280 days of enactment.

6. Fiscal Impact: see item #8

7. Budget amendment necessary: The legislature included \$84,475 in order to fund the requirements of this bill in the Conference committee budget amendments.

8. Fiscal implications: This bill was developed in cooperation with a Medicaid task force convened in response to a request from the Disability Commission to develop a brain injury waiver. There was broad involvement including advocates, providers, Department of Medical Assistance Services (DMAS) staff, and families. The brain injury waiver requires licensing for Medicaid funding. Although DMHMRSAS currently licenses services for individuals whose brain injury occurred prior to age 22 (through the Individuals and Families Developmental Disabilities Services (IFDDS) Waiver), no agency is currently designated to license the services for the extended age cohort. The Department of Social Services licenses some residential brain injury services but this would no longer be appropriate under this legislation.

Additional licensing staff in DMHMRSAS will be needed to promulgate the regulations and implement licensing of Brain Injury Waiver services and residential brain injury services. Current staff cannot absorb additional workload associated with this bill’s requirements. It is unknown the current number of providers that will need to be licensed under the Brain Injury Waiver. However, it is expected that this new waiver program will be an area of growth in new providers based on potential service proposals submitted to the Disability Commission during the task force studies. To initially develop and promulgate the regulations and subsequently license providers for brain injury services, it is estimated that 1.0 FTE (Pay band 5) will be needed.

Licensing caseloads for other services continue to grow and there are no staff resources available for the additional workload requirements of this bill.

For FY2006 salary and fringes is estimated to cost \$76,875; equipment at \$4,700; and, travel at \$3,000. Costs for subsequent years including salary, fringe, and travel costs will be approximately \$80,000.

9. Specific agency or political subdivisions affected: Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Rehabilitative Services

10. Technical amendment necessary: No

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cc: Secretary of Health and Human Resources