

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: SB627

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron: Newman

3. Committee: Passed Both Houses

4. Title: Department of Behavioral Health and Developmental Services; training center residents; quality of care

5. Summary: This bill requires the Department of Behavioral Health and Developmental Services to, before transferring any training center resident to another training center or to community-based care, provide written certification to the training center resident or his legally authorized representative that the receiving facility provides a quality of care that is comparable to that provided in the resident's current training center and that all permissible placement options have been disclosed.

6. Budget Amendment Necessary: See Item 8. below.

7. Fiscal Impact Estimates: Final.

8. Fiscal Implications: The impact of this bill depends on the interpretation of what constitutes “comparable” quality of care. Currently, the Department of Behavioral Health and Developmental Services (DBHDS) does not discharge individuals from a training center to the community until there are sufficient community services in place to meet the needs of the individual and an authorized representative has agreed. If this legislation is interpreted as codifying this practice, costs for community care would not increase. However, it is important to note that per person costs in the community would increase if “comparable” quality is interpreted as identical staffing or auxiliary services, which may not be needed by all individuals (eg. nursing care).

Previous iterations of the fiscal impact statement included two scenarios that could present if the language in the bill results in individuals not being able to be transferred to the community as a result of more rigid legal interpretations of the wording in the bill. Those costs range from \$4.6 million per year to \$32.9 million per year over the projected savings from the closure of state facilities if additional beds at training centers must remain open to accommodate those individuals.

The substitute bill also requires DBHDS to convene a workgroup with stakeholders to consider options for maintaining operation at training centers that are currently scheduled for

closure over the next six years. The agency will incur minimal administrative costs associated with the work group which can be absorbed in the agency's existing appropriation. If it is determined that outside expertise is needed, the agency will incur additional costs of contracting with a consultant. Any facilities scheduled for closure that remain open as a result of the options forwarded by the work group would impact the estimated savings and projected costs of the settlement agreement with the United States Department of Justice.

- 9. Specific Agency or Political Subdivisions Affected:** State training centers, Community Service Boards, Office of the Secretary of Health and Human Resources.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** The cost implications of this legislation may be influenced by the judicial system, which would have the responsibility of determining the legal application of the term "comparable" if challenged by a family member or authorized representative of an individual transferred into a community placement.