

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number:** HB86

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

**2. Patron:** Morris

**3. Committee:** Health, Welfare and Institutions

**4. Title:** VIEW; pilot program for substance abuse screening and assessment.

**5. Summary:** Requires local departments of social services to screen each Virginia Initiative for Employment not Welfare (VIEW) program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal substances. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal substances, the local departments of social services must require drug testing, which is to be performed by a company competitively procured by the Department of Social Services. Any person who fails or refuses to participate in a screening or testing without good cause or who tests positive for the use of illegal substances shall be ineligible to receive Temporary Assistance for Needy Families (TANF) payments for a period of six months unless they enter into and maintain full compliance in a drug treatment program. The bill requires the Department to provide an interim report on implementation of the pilot program to the Governor and the General Assembly no later than December 1, 2016, and a final report on the results of the pilot program no later than December 1, 2017.

**6. Budget Amendment Necessary:** Yes

**7. Fiscal Impact Estimates:**

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars*</i>	<i>Fund</i>
2016	-	-
2017	\$84,378 \$224,966	general nongeneral
2018	\$42,189 (\$27,862)	general nongeneral
2019	-	-
2020	-	-
2021	-	-
2022	-	-

\*Expenditure impact does not include a required local match of \$29,292 in FY 2017 and \$14,799 in FY 2018. In addition, assumes that all eligible expenses are offset with TANF dollars if anticipated to be available.

- 8. Fiscal Implications:** It is estimated that the proposed legislation would introduce additional costs associated with providing substance abuse screenings, drug testing, and drug treatment of VIEW participants. The administrative effort required to process and screen participants will increase the local staff workload. For this analysis, it is assumed that when applicants apply for TANF it would be determined whether they are required to participate in VIEW, and they would then be screened for substance abuse. To assess the fiscal impact of this bill, the following was examined: the additional amount of time for local workers to process new VIEW participants as well as the on-going effort to screen program participants; the cost of drug screening and testing; the cost of drug treatment; and the impact on the TANF program.

**Assumptions:**

- Thirty-seven percent of those receiving TANF will participate in VIEW. Based on data in the Virginia Independence Program Monthly Report for October 2015, there were 23,888 TANF cases, of which 8,915 (37.3 percent) were enrolled in VIEW.
- Local departments would utilize a commonly accepted screening tool, such as the Substance Abuse Subtle Screening Inventory (SASSI) to determine if there is reason to require a drug test. It is estimated that such a tool would require 5 to 15 minutes to administer and 5 to 10 minutes to score. Therefore, it is assumed that at least 15 minutes would be needed for a worker to administer and review the screening for each participant.
- Each locality would require a SASSI screening start-up kit (estimated at \$135 per kit) the first year and pay \$1.85 per test for the necessary testing materials.
- Ten percent of the VIEW participants screened by local workers will be referred for drug testing. The number of participants who would actually be referred is unknown, so a conservative assumption of ten percent was used.
- The proposed bill requires drug testing to be performed by a company competitively procured by the Department to provide drug testing services on a statewide basis. The average cost of a formal drug test is estimated at \$50.
- The potential number of individuals referred for drug testing who test positive for illegal drug use cannot be reasonably determined. The National Survey on Drug Use and Health (NSDUH) has reported that the overall rate of illicit drug use among persons age 12 or older in 2014 was 10.2 percent. Based on this, it is assumed that the VIEW population (8,915 individuals) reflects the overall population and would also have a 10.2 percent rate of drug use.
- The rate of false positive drug test results is 7.5 percent.
- Fifty percent of those testing positive will agree to enter into a drug treatment program.
- Seventy-five percent of individuals who test positive and do not enter into a drug treatment program will reapply for TANF benefits in six months.
- Drug treatment services will be covered by Medicaid for VIEW participants.
- Eighty percent of those initially opting for drug treatment to maintain their TANF benefits are assumed to already be receiving drug treatment services covered by Medicaid. As such, the cost of drug treatment for the remaining 20 percent is assumed to be an additional cost.

- Individuals who have tested positive and choose not to enter treatment will be excluded from receiving TANF payments for six months, even if the six month period extends beyond the end of the pilot program.
- The pilot program will end on December 1, 2017.

#### **Analysis:**

When a person applies for TANF assistance, the individual must go through several steps to determine eligibility beginning with the submission of an application for benefits. If a person is determined eligible for TANF, then he or she is referred for VIEW participation unless ruled exempt from VIEW. The individual is then contacted by a local department of social services VIEW worker to come to the agency for the VIEW initial assessment which evaluates the person's job skills, abilities, education, and barriers to employment. Drug screening would take place at this initial assessment. The cost estimate for this bill using the above assumptions is summarized below. A detailed analysis of each component of the cost follows.

#### **Summary of Costs**

<b>Cost Description</b>	<b>FY 2017</b>	<b>FY 2018</b>
Initial and Periodic Screenings	227,516	109,569
Drug Testing	33,300	17,052
Drug Treatment	168,756	84,378
TANF Assistance Payments	(90,936)	(181,872)
<b>Total Costs</b>	<b>338,636</b>	<b>29,127</b>

\*Includes required local match amounts of \$29,292 in FY 2017 and \$14,799 in FY 2018

#### **Initial, Periodic, and Re-Applicant Screenings**

There were 1,339 new applicants approved for TANF in October 2015. It is estimated that 500 of these (1,339 applicants x 37.3 percent) would participate in VIEW and thus be screened each month. At 15 minutes per screening, it will take 125 hours per month to initially screen new applicants, or 1,500 hours per year. In addition, periodic screenings are required for all VIEW participants, no more than once every six months. Since participation in VIEW cannot exceed two years, it is assumed that each participant would be screened annually. Based on the total number of VIEW participants in October 2015, 8,915 individuals would be periodically re-screened each year. At 15 minutes per screening, it will take 2,229 hours per year to perform the periodic re-screenings. Furthermore, it is assumed that 75 percent of VIEW applicants who test positive for drugs and do not enter a treatment program will reapply for TANF benefits in six months. At 15 minutes per screening, these applicants will increase the number of hours to screen by 39 in both years (.25 hours x 421 applicants x .5 years x 75 percent). An assumed gradual increase in re-screened applicants in the first year and only a six month pilot program time period in the second year equate to 158 applicants and 39 additional screening hours in each of FY 2017 and FY 2018.

The total hourly increase due to new applications, reapplications for existing recipients, and rescreening of those who tested positive for drugs but did not enter a treatment program is 3,768 hours (1,500 hours + 2,229 hours + 39 hours) the first year and 1,904 hours ((1,500 hours + 2,229 hours) x .5 years + 39 hours) the second year since the pilot program is

assumed to end December 31, 2017. This equates to 15,073 screenings the first year and 7,615 screening the second year.

The department reports that the average annual cost of employing (salary, benefits, non-personnel services, etc.) a local case worker is \$75,227. Local governments are required to cover 15.5 percent of these expenses, so the state share of the estimated local case worker cost would be \$63,567. Assuming 1,500 annual productive hours per full-time employee, the state reimburses localities \$42.38 per hour for local case workers. Therefore, the state cost of requiring 3,768 additional hours of work in FY 2017 and 1,904 hours of work in FY 2018 would be \$159,689 and \$80,681 respectively. The statewide local share would be \$29,292 in FY 2017 and \$14,799 in FY 2018.

In addition, each locality will need to purchase a \$135 start-up kit which includes a screening user guide, manual, scoring key and 25 questionnaires. This would cost an additional \$16,200 ( $\$135 \times 120$  localities) in the first year. A questionnaire costing \$1.85 each is required for each screening. The 25 questionnaires included in each start-up kit reduce the need to buy 3,000 ( $25 \times 120$ ) additional questionnaires the first year. The total cost for the start-up kits and questionnaires in the first year is \$38,535 ( $\$16,200$  for start-up kits +  $(15,073 - 3,000 \text{ questionnaires}) \times \$1.85$ ). The total cost for questionnaires in FY 2018 is \$14,088 ( $7,615 \times \$1.85$ ).

Total costs for the local staff and screening supplies are \$227,516 ( $\$188,981 + \$38,535$ ) the first year and \$109,569 ( $\$95,480 + \$14,088$ ) the second year.

#### Drug Testing

It is assumed that there also will be a cost to the state for those individuals who require a formal drug test. Clinical urine toxicology tests could range from \$25 up to \$100, depending on what specific drugs and how many drugs for which a urine sample is tested. An average cost of \$50 is assumed. It should be noted that the cost estimates are impacted by the fact that TANF benefits are considered to be entitlements. It is assumed that the data gathered in the drug test would have to be treated as legal evidence and procedures followed that would meet standards for chain of evidentiary custody. If ten percent or 1,507 of the total screened population in FY 2017 underwent drug testing at a cost of \$50 per person, the cost would be \$75,350. However, the bill states that drug tests with positive results will be paid for by the VIEW participant and that drug tests with negative results will be paid for by the Department.

If 10.2 percent of the VIEW population is assumed to use drugs, similar to the national average, then it is estimated that of the 1,507 participants in FY 2017 and 762 participants in FY 2018 referred for testing (10 percent); 909 VIEW participants ( $8,915 \text{ VIEW participants as of October 2015} \times 10.2 \text{ percent}$ ) would ultimately test positive in FY 2017 and half of that or 454 participants in FY 2018. Therefore, the Department would fund 598 ( $1,507 - 909$ ) negative drug tests in FY 2017 and 307 ( $762 - 454$ ) tests in FY 2018 for total costs of \$29,900 ( $598 \times \$50$ ) and \$15,352 ( $307 \times \$50$ ) respectively. (See chart below).

<b>VIEW participants:</b>	<b><i>FY 2017</i></b>	<b><i>FY 2018</i></b>
referred for testing (10%)	1507	762
testing positive (participant funds)	909	454
testing negative (DSS funds)	598	307

Furthermore, a positive drug test requires a second confirming positive drug test before the participant is ineligible for assistance. Since it is assumed that 7.5 percent of positive drug tests are false positives, there will be additional drug testing costs as 7.5 percent or 68 ( $909 \times 7.5$  percent) of the confirming drug re-tests will be negative and therefore the responsibility of the Department. These negative re-tests are estimated to cost \$3,400 ( $68 \times \$50$ ) in the first year and \$1,700 ( $68 \times .5$  years  $\times \$50$ ) in the second year for a total drug testing expense of \$33,000 ( $\$29,900 + \$3,400$ ) in FY 2017 and \$17,052 ( $\$15,352 + \$1,700$ ) in FY 2018.

#### Drug Treatment

Again, since 7.5 percent or 68 of the participants are assumed to have false positive tests, drug treatment is needed for 841 ( $909 - 68$ ) participants in order for them to remain eligible for assistance. It is assumed that fifty percent, or 421 in FY 2017 and 211 in FY 2018, of those testing positive would agree to enter a drug treatment program to retain their benefits. Drug treatment services are currently covered by Medicaid for eligible participants. Medicaid is administered by the Department of Medical Assistance Services (DMAS). An additional Medicaid drug treatment expense would be incurred for those qualifying VIEW participants who opt for drug treatment services and are not currently receiving this service through Medicaid.

It is conservatively estimated that twenty percent of those opting for drug treatment to retain their TANF assistance payments are not currently receiving drug treatment services covered by Medicaid. Based on this, additional drug treatment costs would be incurred for 84 ( $421 \times 20$  percent) individuals. DMAS analyzed claims data for FY 2015 to determine the annual costs to Medicaid of a drug treatment program for an individual. Using an average annual Medicaid drug treatment cost of \$1,675 per case, the additional program cost for those opting for drug treatment is estimated to be \$140,700 ( $84 \times \$1,675$ ) annually. In addition, there would be a case management expense of \$334 a year for each participant entering a drug treatment program. Additional drug treatment case management expenses are estimated at \$28,056 ( $84 \times 334$ ) annually; making the total treatment cost for this population \$168,756 ( $\$140,700 + \$28,056$ ). The total drug treatment cost will be half of that or \$84,378 in the second year. Fifty percent of the drug treatment program costs are covered by federal Medicaid funds with the remaining 50 percent being covered by general fund dollars.

#### TANF Assistance Payments

Given the average increase in the TANF assistance payment for one additional person of \$72 per month or \$864 annually, it is estimated that expenditures for TANF benefits would decrease by \$90,936 ( $421 \times 72 \times .5$  years  $\times 50$  percent) the first year and \$181,872 ( $421 \times 72 \times .5$  years) the second year for those who test positive for illegal drug use and do not comply with a drug treatment program. The legislation allows for individuals to reapply for benefits after six months, so the loss in benefits is only assumed for a six month time period; and for

purposes of this analysis, a further gradual (50 percent) decrease in benefits is assumed in the first year.

TANF dollars can be used to support the costs of screenings and drug tests; therefore, it is assumed that the savings generated by this proposal will be netted against the legislation's costs. In addition, the TANF block grant is expected to have sufficient balances in FY 2017 and FY 2018 to cover the remaining eligible (Medicaid costs cannot be covered) FY 2017 and FY 2018 costs of this legislation. The general fund need in item 7 includes the anticipated TANF offsets to the general fund.

**Summary Table**

<b>General Assumptions</b>	
VIEW Participation Rate	37.3%
Minutes Required to Screen VIEW Participant (SASSI Estimate)	15
Percent of Screenings Referred for Drug Testing	10%
Average Cost of Formal Drug Test	\$50
Rate of Drug Use in VIEW Population	10.2%
Percent of Individuals Entering Drug Treatment	50%
Percent of Drug Treatment Population With New Medicaid Cost	20%
Percent of VIEW Participants Who Subsequently Test Positive	1%
Percent of False Positive Drug Test Results	7.5%
<b>Initial, Periodic, and Re-Applicant Screenings</b>	
Monthly Number of approved TANF Applications (October 2015)	1,339
Number Initial Screenings Per Month (Applicants x Rate)	500
Monthly Staff Hours Required to Perform Initial Screenings	125
Annual Staff Hours Required to Perform Initial Screenings	1,500
Annual Number of Periodic Re-Screenings	8,915
Annual Staff Hours Required to Perform Periodic Re-Screenings	2,229
Annual Number of Re-Application Screenings	158
Annual Staff Hours Required to Perform Re-Application Screenings	39
Annual Number of Screenings (Initial, Periodic, and Re-Application) Required	15,073
Total Staff Hours for Screenings (Initial, Periodic, and Re-Application)	3,768
Drug Screening Start-Up Kits Including 25 Questionnaires	135
Number of Localities	120
First Year Cost of Start-Up Kits	16,200
Questionnaire Per Screening Cost	1.85
Total Cost of Questionnaires	22,335
<b>Estimated Cost of Local Staffing and Supplies for Screenings (First Year)</b>	<b>\$227,516</b>
<b>Estimated Cost of Local Staffing and Supplies for Screenings (Second Year)</b>	<b>\$109,569</b>
<b>Drug Testing</b>	
Drug Test Cost	\$50
Number of Negative Drug Tests (First Year)	598

Number of Negative Drug Tests (Second Year)	307
Number of Negative Re-Tests due to Original False Positive Drug Test Result (First Year)	68
Number of Negative Re-Tests due to Original False Positive Drug Test Result (Second Year)	34
<b>Estimated Cost of Drug Testing (First Year)</b>	<b>\$33,300</b>
<b>Estimated Cost of Drug Testing (Second Year)</b>	<b>\$17,052</b>
<b>Drug Treatment</b>	
Number of VIEW Participants Who Use Drugs (8,915 x 10.2% - 68)	841
Number of Individuals Who Test Positive That Enter Drug Treatment (Assumed at 50%)	421
Number of Individuals New to the Medicaid Drug Treatment Program (Assumed at 20%)	84
Average Annual Medicaid Drug Treatment and Case Management Cost	\$2,009
<b>Estimated Cost of Drug Treatment Compliance Population (Assumed at 50%) (First Year)</b>	<b>\$168,756</b>
<b>Estimated Cost of Drug Treatment Compliance Population (Assumed at 50%) (Second Year)</b>	<b>\$84,378</b>
<b>TANF Assistance Payments</b>	
Average Annual TANF Assistance Payment for One Person	\$864
Number of Individuals Who Test Positive and Do Not Enter Drug Treatment (Assumed at 50%)	421
<b>Estimated First Year Impact on TANF Assistance Payments</b>	<b>(\$90,936)</b>
<b>Estimated Second Year Impact on TANF Assistance Payments</b>	<b>(\$181,872)</b>

**9. Specific Agency or Political Subdivisions Affected:** Department of Social Services, local Departments of Social Services, Department of Medical Assistance Services

**10. Technical Amendment Necessary:** No

**11. Other Comments:**