

Department of Planning and Budget

2017 Fiscal Impact Statement

1. Bill Number: SB894

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

2. Patron: Favola

3. Committee: Education and Health

4. Title: Commissioner of Behavioral Health and Developmental Svcs; reports of critical incidents or death.

5. Summary: Requires the Commissioner of Behavioral Health and Developmental Services (the Commissioner) to provide to the Director of the Commonwealth's designated protection and advocacy system a written report setting forth the known facts of critical incidents or deaths of individuals receiving services through programs operated or licensed by the Department of Behavioral Health and Developmental Services within 15 working days of the critical incident or death. Under current law, the Commissioner is required to provide such reports only if the individual who is the subject of the report was receiving services in a state or licensed hospital, training center, psychiatric hospital, or other type of residential or outpatient mental health or developmental services facility.

6. Budget Amendment Necessary: Yes. Item 313.

7. Fiscal Impact Estimates:

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2017	\$0	0	General
2018	\$40,000	0	General
2019	\$0	0	General
2020	\$0	0	General
2021	\$0	0	General
2022	\$0	0	General
2023	\$0	0	General

8. Fiscal Implications: The substitute bill would require the Department of Behavioral Health and Developmental Services (DBHDS) to provide a written report setting forth the known facts of critical incidents or deaths of individuals receiving services in programs operated or licensed by DBHDS to the director of the disAbility Law Center (dLCV) within 15 days of the critical incident or death. Currently, reports are required only for critical incidents or deaths occurring at facilities operated by the DBHDS.

DBHDS does not currently collect all of the information required by this legislation. In order to expand the department's recording capacity to include critical incident reports by all licensed providers within the DBHDS network of care, the department would need to expand its data storage and information security apparatus in order to protect identifiable patient data in accordance with HIPAA as well as state regulation.

The current portal for incident reporting, utilized by central office and state facility staff, does not have the capacity nor the necessary reporting requirements to interface with licensed providers outside of the direct network of the department. DBHDS is in the process of procuring a new event tracking system that currently does not include this capability. It is estimated that modifying the RFP to address the requirements of this bill would require the services of a security consultant at an estimated one-time cost of \$40,000.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Behavioral Health and Developmental Services, disAbility Law Center

- 10. Technical Amendment Necessary:** No