

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB878

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: Dunnivant

3. Committee: Finance

4. Title: Correctional facilities, local and regional; standards for mental health services.

5. Summary: Requires the Board of Corrections to adopt standards for mental health services in local and regional correctional facilities, which shall include a requirement that (i) the sheriff of every county and city in which a local correctional facility is located enter into an agreement with the community services board serving that county or city for the delivery of mental health and substance abuse services in the local correctional facility and (ii) the administrator of every regional correctional facility enter into an agreement with the community services board or boards serving the counties and cities participating in the regional correctional facility for the delivery of mental health and substance abuse services in the regional correctional facility. The bill also requires community services boards to provide mental health and substance abuse services to individuals in local and regional correctional facilities upon the request of the sheriff or jail administrator and establishes a procedure for the delivery of services to individuals released from local and regional correctional facilities by the community services board serving the local or regional correctional facility or the community services board serving the county or city in which the individual will reside upon his release.

6. Budget Amendment Necessary: Indeterminate.

7. Fiscal Impact Estimates: See 8 below.

8. Fiscal Implications: This bill will have an impact on the workload of Community Services Boards (CSBs). This legislation would allow that CSBs provide mental health and substance abuse services for individuals incarcerated in local and regional correctional facilities for each county and city served by the community services board.

The exact cost of this legislation is indeterminate, as it is unknown exactly how many individuals would require mental health or substance abuse services, and exactly which services would be required. However, for reference, the Compensation Board reported a snapshot in its annual report on Mental Illness in Jails, that in June of 2017, out of a total general population of 42,257, 17.63 percent of incarcerated individuals (7,451) were mentally ill, and 9.55 percent (4,036) had a serious mental illness. The report further explains that local and regional jails spent approximately \$16.1 million for mental health treatment in FY 2017, broken down as follows:

- \$12.4 million local,
- \$1.0 million state,
- \$272,000 federal government, and
- \$2.5 million other funding sources

Additionally, according to the report, “Mental health treatment services offered, as well as providers of those services, differ from jail to jail. Some jails may have a full time psychiatrist or general practice physician (MD) to attend to mental health needs and dispense psychotropic medications; other jails may contract with an outside psychiatrist/general practice physician (MD) to provide services on certain days of each month, etc. Nursing staff may also provide mental health treatment.”

This legislation requires jails to enter into an agreement to pay for the mental health and substance abuse services provided by CSBs unless they already have a contract with a private provider. If the jail has an existing contract with a private provider, they may choose to continue mental health and substance abuse services with their existing provider. This makes any estimate of the bill’s impact problematic as it is difficult to forecast with accuracy how many jails will opt to utilize CSB services rather than private providers. Based on a 2016 report by the University of Virginia Institute of Law, Psychiatry and Public Policy, average mental health spending per recipient by CSB ranges from \$2000 - \$8000 per year.

Additionally, the bill states that mental health and substance abuse services may be continued for inmates released from a regional or local correctional facility. If there are individuals served after their period of incarceration because of this legislation, they would be the responsibility of the CSB, and additional resources would likely be necessary.

The Department of Behavioral Health and Developmental Services (DBHDS) may incur additional oversight costs. If the mental health and substance abuse services for incarcerated individuals were to be provided by CSBs at local jails, DBHDS would likely license these services since DBHDS already licenses other CSB services. As such, DBHDS may require additional licensing resources to conduct site visits at the jails where the CSBs would provide services. Without knowing the number of jails that would choose to utilize CSB services, it is difficult to estimate the total cost of oversight.

Lastly, this bill would only become effective if sufficient resources were included in the general appropriation act to support the provisions of this bill.

9. Specific Agency or Political Subdivisions Affected: Local and Regional Jails, Community Services Boards.

10. Technical Amendment Necessary: No.

11. Other Comments: None.