

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: HB 2092

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

2. Patron: Willett

3. Committee: Health, Welfare, and Institutions

4. Title: Department of Behavioral Health and Developmental Services; background checks, persons providing contractual services

5. Summary: Requires background checks for contract staff providing direct care services for Department of Behavioral Health and Developmental Services' licensed services. The bill also sets out the barrier crimes for any person who provides contractual services directly to an individual receiving services on behalf of a licensed provider.

6. Budget Amendment Necessary: Yes, Item 425.

7. Fiscal Impact Estimates:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2021			
2022	\$74,528	1.0	GF
2023	\$74,077	1.0	GF
2024	\$74,077	1.0	GF
2025	\$74,077	1.0	GF
2026	\$74,077	1.0	GF
2027	\$74,077	1.0	GF

8. Fiscal Implications:

This bill requires any individual under contract with a provider to serve in a direct care position to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the FBI for the purpose of obtaining national criminal history record information regarding the applicant. In addition, the bill requires any person employed by a temporary agency that has entered into a contract with the provider and who will serve in a direct care position on behalf of the licensed provider to undergo a background check to include a criminal history records check through the Central Criminal Records Exchange and a search of the central registry maintained pursuant to 63.2-1515 for any founded complaint of child abuse and neglect. Lastly, the bill sets out the barrier crimes for any person under contract with a licensed provider to serve in a direct care position and any person employed by a temporary agency that has entered into a contract with a licensed provider to serve in a direct care position on behalf of the provider.

Currently, such background checks are required by the Code of Virginia for any person who provides contractual services directly to a juvenile in a licensed children's residential facility. However, these Code requirements do not apply to all other Department of Behavioral Health and Developmental Services (DBHDS) licensed services. It is unclear how many contracted staff are providing direct care services within DBHDS licensed services without a background check or central registry search as some providers, including many Community Services Boards, still require background checks and registry searches for contracted staff.

Under this legislation, if an individual seeking employment will be contracted directly with the provider, the provider or the individual would be responsible for a background check fee of \$58.72 and a Department of Social Services (DSS) Central Registry Search charge of \$10. If a contract employee is employed by a temporary agency, they will follow a different background check process. The temporary agency or the individual will be required to pay the DSS Central Registry Search fee of \$10, a \$10 fingerprinting fee, and between \$15 and \$20 for the background check.

While DBHDS and DSS state there is no fiscal impact to their agencies as fees cover the costs of these checks, the Department of State Police (VSP) does anticipate additional costs associated with this legislation. They will need at least one program support technician to handle the expanded workload. At present, one applicant section employee can process approximately 10,000 criminal history record checks per year. In addition to the one position, the VSP will also need to provide IT assets for this employee.

Program Support Technician		
	FY 2022	FY 2023+
Salary + Benefits	\$ 72,537	\$ 72,537
Support Costs	\$ 1,991	\$ 1,540
Total	\$ 74,528	\$ 74,077

9. Specific Agency or Political Subdivisions Affected Department of Behavioral Health and Developmental Services, Community Services Boards (CSBs), Licensed Providers

10. Technical Amendment Necessary: No

11. Other Comments: None