

Department of Behavioral Health and Developmental Services 2017 Fiscal Impact Statement

1. Bill Number: HB1508

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

2. Patron: Hope

3. Committee: Health, Welfare and Institutions

4. Title: Department of Behavioral Health and Developmental Services; critical incident reports

5. Summary: This bill requires the Commissioner of Behavioral Health and Developmental Services 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 the Department of Behavioral Health and Developmental Services to the Director of the Commonwealth's designated protection and advocacy system within 15 working days of the critical incident or death. Currently, reports are required only for critical incidents or deaths occurring at facilities operated by the Department.

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: This 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