

Department of Planning and Budget 2018 Fiscal Impact Statement - Revised

1. Bill Number: HB479

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

2. Patron: McQuinn

3. Committee: Health, Welfare, and Institutions

4. Title: Barrier crimes; adult substance abuse and mental health treatment providers.

5. Summary: Provides that a substance abuse or mental health treatment provider licensed by the Department of Behavioral Health and Developmental Services (DBHDS) or a community services board (CSB) or behavioral health authority may hire for compensated employment at an adult substance abuse or mental health treatment program a person who was convicted of any barrier crime, provided that the criminal behavior was substantially related to the person's substance abuse or mental illness and the person has been successfully rehabilitated and is not a risk to individuals receiving services.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Indeterminate

8. Fiscal Implications: This legislation would allow CSBs and DBHDS licensed providers of substance abuse or mental health treatment to hire persons who were convicted of any barrier crime, provided that the criminal behavior was substantially related to the person's substance abuse or mental illness and the person has been successfully rehabilitated and is not a risk to individuals receiving services.

Currently, there are twenty-one barrier crimes out of a list of 166 for which a person could have been convicted that would not prohibit them from employment within CSBs, behavioral health authorities or private providers of substance abuse or mental health treatment. If barrier crimes no longer prohibit such employment, the number of applicants with prior barrier crime convictions could significantly increase. For reference, DBHDS processed 385 ineligible background checks during the last 12 months that could be eligible for screening under the proposed language.

There are only three individuals in the Commonwealth of Virginia with the necessary training and credentials to conduct screenings to determine if such an applicant is at risk of re-offending or re-lapsing. Two out of the three screeners conduct screenings on behalf of other CSBs (except their home CSB) as well as private providers. The third screener is employed at a CSB but conducts screenings separate from the CSB.

With a potentially significant increase in applicants, it may be necessary for DBHDS to develop requirements for being a screener, the process, and the protocol for the screening assessments. By implementing this process and protocol, it would ensure all screenings are being conducted in a standardized manner. The cost of developing the process and protocol can be absorbed in existing DBHDS resources.

It may be necessary for CSBs to employ more screening staff in order to keep up with a significantly expanded applicant pool. Screenings cost an applicant approximately \$250 and are typically conducted after a contingent offer has been made by the prospective provider. DBHDS estimates that this revenue is not enough to fully cover the cost of a CSB employee that conducts these screenings, but the portion of the salary that is covered by the fee will be dependent on locality, and thus additional need for resources will also vary.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Behavioral Health and Developmental Services, Community Services Boards, Private Providers of Mental Health and Substance Abuse Services

- 10. Technical Amendment Necessary:** No

- 11. Other Comments:** This statement was updated to correct the number of barrier crimes that currently do not prohibit employment.