

Commission on Local Government

Estimate of Local Fiscal Impact

2018 General Assembly Session

Bill: SB878

Patron: Dunnavant

Date: 1/30/2018

In accordance with the provisions of §30-19.03 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

Bill 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 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.

***Please note this bill is identical to HB1487 (Stolle)

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**Executive Summary:**

Localities have evaluated a negative fiscal impact ranging from \$0.00 - \$5,000.00. Two localities noted that the bill would have a fiscal impact as it expands the scope of the "Community Service Board (CSB)", but the exact impact of this mandate is indeterminate or the amount they used is an estimate. Other localities indicated that there would be no or minimal fiscal impact as the services are currently being provided.

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**Local Analysis:**

**Locality:** City of Danville

**Estimated Fiscal Impact:** \$5,000.00

It is difficult to estimate a potential impact for both the Danville City Jail and the Danville Adult Detention Facility. The Danville City Jail currently contracts with the CSB to come to the jail and address known mental health needs. There is a \$50 an hour fee for this service. If substance abuse was added, there would likely be an impact, although probably not substantial to our budget or resources. However, the bill as written has an unclear funding mandate. The estimate of \$5000 is guess - additional questions would need to be answered before a true estimate could be given.

Additional questions on the bill as written: Is there guidance within the code or from the Department of Behavioral Health regarding what is the threshold which deems use of illegal drugs “abuse” or constitutes an addiction and how it is determined who needs services and who may not? Additionally, if mental health services lead to a greater dependence on medications, that could drive costs higher which may be passed on to the locality.

**Locality:** City of Winchester

**Estimated Fiscal Impact:** \$0.00

No major impact

**Locality:** County of Henrico

**Estimated Fiscal Impact:** \$0.00

Henrico County's Mental Health department and Sheriff's office have an existing agreement regarding these services, and the services are paid for by the Sheriff's office. Mental health and substance abuse services are offered to individuals released from the local and regional correctional facilities as well. Since the services are already being provided there would be no fiscal impact for Henrico.

**Locality:** Fairfax County

**Estimated Fiscal Impact:** \$1.00

The Fairfax CSB currently services during incarceration and follow up services for some people after incarceration. However, the CSB does not provide mental health and substance abuse disorder services for every inmate after discharge. The bill would expand the scope of what the CSB is doing and would have a significant fiscal impact.

**Professional Organization Analysis:**

**Organization:** Virginia's Region 2000 Local Government Council

HB 1487 appears to be unfunded legislation adding mental health and substance abuse services in local and regional correctional facilities to the list of services that CSBs are required to provide, along with case management, emergency services and the STEP-VA mandates.

The better approach is when these relationships and decisions are worked on locally and are mutual. In addition, only a small fraction of the funding for STEP-VA has been forthcoming and to add another unfunded mandate at this time will not improve outcomes and agreed upon goals. While there is money in the correctional facility budget for behavioral health services, there's no guarantee that a correctional facility will have to utilize all of its current funding for that purpose to contract with the CSB. There is also no guarantee that the correctional facility would have to agree to pay for the services at cost that includes indirect costs.

I don't know of any way to estimate the cost of this service. It would seem likely that the CSB would turn to local governments for additional financial support to cover the increased costs for service.

HB1487 only lists Community Services Boards as providers. Some jails may prefer the use of private vendors to provide some of these services

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