

Commission on Local Government

Estimate of Local Fiscal Impact

2019 General Assembly Session

Bill: HB1942

Patron: Bell

Date: 1/22/2019

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:

Behavioral health services; exchange of medical and mental health information and records; correctional facilities. Authorizes the State Board of Corrections (the Board) to establish minimum standards for behavioral health services, including "forensic discharge planning services" as defined in the bill, in local correctional facilities and procedures for enforcing these standards, with the advice and guidance of the Commissioner of Behavioral Health and Developmental Services and the State Inspector General. The bill requires the Board, also in conjunction with the Commissioner of Behavioral Health and Developmental Services and the State Inspector General, to establish a procedure for the conduct of at least one unannounced annual behavioral health services inspection of each local correctional facility by the Board or its agents and allows the Board to authorize such other announced or unannounced inspections as it deems necessary. The bill also provides that the minimum standards shall include regulations directing the sharing of medical and mental health information and records as provided by law and a procedure by which a community services board that provides behavioral health services in the local or regional correctional facility may bill, and the sheriff or superintendent shall pay, for such services. The bill allows the person in charge of a state, regional, or local correctional facility, or his designee, to receive from a health care provider medical and mental health information and records concerning a person committed to such correctional facility, even when such committed person does not provide consent or consent is not readily obtainable, when such information and records are necessary (i) for the provision of health care to the person committed, (ii) to protect the health and safety of the person committed or other residents or staff of the facility, or (iii) to maintain the security and safety of the facility. The bill clarifies that the administrative personnel of a state, regional, or local correctional facility may receive medical and mental health information and records from any health care provider concerning any person committed to such correctional facility as necessary to maintain the safety of the facility, its employees, or other prisoners.

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**Executive Summary:**

Localities have evaluated a negative fiscal impact ranging from \$0.00 - \$750, 000.00. Localities noted that the cost would be related to hiring additional discharge planner, inspections, upgrading current record management systems, construction, equipment, administration, training, and operations. Some localities did not provide any cost, but noted that the exact amount of this mandate is indeterminate because additional clarification is needed regarding the minimum standards, and the definition of "forensic discharge planning service".

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**Local Analysis:**

**Locality:** City of Danville

**Estimated Fiscal Impact:** \$50,000.00

After consulting with our local CSB, city jail, and city farm, there is some concern about the language in 53.1-68 Section C. "Such standards shall also include a procedure by which a community services board that provides behavioral health services in the local correctional facility may bill the sheriff or superintendent for the provision of such services and by which the sheriff or superintendent shall pay for such behavioral health services if provided by the community services board" could be an unfunded mandate with an amount that would be hard to quantify other than calling it a "considerable cost".

The last paragraph of this section that includes the definition for "forensic discharge planning services" is also very broad. While our local jails work closely with our local CSB, the requirements - which are seen as beneficial by all parties - can be costly and would need additional funds from the state to administer.

The information-sharing portion of the bill is considered a positive step and we do not anticipate significant additional costs.

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Locality: City of Lynchburg

Estimated Fiscal Impact: \$0.00

Local CSB has a provider contract with the Regional Jail in this area to serve the discharged population. If this potential funding (contract) goes away, there may be a more feasible fiscal impact. If there is an opportunity to provide additional services with pay from this bill, local CSB could expand services according to need.

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**Locality:** City of Newport News

**Estimated Fiscal Impact:** \$750,000.00

Cost based on upgrade to current Records Management System (RMS) for the City Jail, to be able to efficiently transfer, receive and store medical and mental health records. Approximately \$50,000 for annual inspection cost.

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Locality: City of Norfolk

Estimated Fiscal Impact: \$0.00

Due to the unknown nature of some of the minimum standards to be set forth in the bill, it is difficult to estimate costs that would be incurred. Depending on the minimum standards – construction, equipment, administration, training, and operation costs may increase. While it is unlikely the minimum standards would drastically increase costs, it is difficult to quantify without additional details.

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**Locality:** Fairfax County

**Estimated Fiscal Impact:** \$0.00

The Community Service Board has some resource concerns around the establishment of minimum standards for behavior health services. Until the standards have been developed, it is hard to identify the specific fiscal impact and potential staff needs. With regards to "forensic discharge planning," the bill is not clear as to the level of staff that would be required to perform this. If this is required to be performed by behavioral health staff, it would be a significant resource concern

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Locality: Rappahannock County

Estimated Fiscal Impact: \$125,000.00

The Regional Jail Superintendent for Rappahannock, Shenandoah, Warren Regional Jail (RSWRJ) suggests that cost for a new full-time discharge planner provided through the CSB would be approximately \$50,000 per year and on top of that, additional contract tele-psychiatric services would be required having another \$50,000 - \$75,000 fiscal impact. For a basis, the population of RSWRJ is approximately 450 inmates. So on a per inmate basis, the impact would be \$278/inmate/year. Presumably the fiscal impact would be offset by mostly intangible costs related to better labor participation and effective community participation of those discharged.

The fiscal impact of the remaining portions providing for information sharing would be negligible and potentially offset by elimination of unforeseen issues that would have developed without proper knowledge of inmate history.

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**Professional and Other Organization**

**Analysis:**

**Organization:** Northern Neck PDC

No significant local fiscal impact.

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