

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: SB 1570

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

2. Patron: Lewis

3. Committee: Rehabilitation and Social Services

4. Title: Adult protective services; creates central registry

5. Summary: The proposed legislation creates a central registry of founded complaints of adult abuse, neglect, and exploitation to be maintained by the Department of Social Services (DSS). The bill establishes (i) investigation requirements for local departments of social services (LDSS) related to complaints of adult abuse, neglect, and exploitation; (ii) record retention and disclosure requirements for DSS and local departments; (iii) notice requirements related to findings by local departments and central registry entries; and (iv) an appeals process to contest the findings of a local department related to founded reports of adult abuse, neglect, or exploitation.

6. Budget Amendment Necessary: Yes

7. Fiscal Impact Estimates: Preliminary

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2019	\$500,000	-	General
2020	\$679,415	3.0	General
2021	\$679,415	3.0	General
2022	\$679,415	3.0	General
2023	\$679,415	3.0	General
2024	\$679,415	3.0	General
2025	\$679,415	3.0	General

8. Fiscal Implications: The proposed bill is expected to have fiscal implications on both the Department for Aging and Rehabilitative Services (DARS) and the local adult protective services (APS) workers employed by local departments of social services (LDSS).

Adult Central Registry Information System

The legislation requires DARS to maintain an adult abuse, neglect, and exploitation information system that includes a central registry of founded complaints. DARS recently procured a new APS case management system called PeerPlace. The agency maintains that PeerPlace already includes significant portion of the data necessary to populate the required registry and could be used as the information technology platform. However, there is some

demographic information required by the bill that is not currently stored in PeerPlace that will need to be entered. As such, the system will need to be modified to include those and fields along with the necessary structural changes needed for the registry. DARS estimates the one-time cost of the necessary PeerPlace modifications to be approximately \$500,000. Ongoing additional systems operating cost are estimated at \$50,000 annually. The cost of staffing the registry would initially require one positions at a cost of approximately \$100,000 for salary, benefits and associated nonpersonal services.

Appeals Process

The bill calls for an appeals process that allows individuals to contest the findings of a local department related to founded reports of adult abuse, neglect, or exploitation. Further, all suspected or founded perpetrators resulting from an APS investigation will have a right to review and request that the LDSS amend its determination and records as well as make formal appeals to DARS. These requirements are expected to have an impact on both local department of social services (LDSS) staff as well as DARS.

Currently, the perpetrator of an APS investigation can only request a review if there was a founded complaint and if the LDSS sent information about that person to a licensing, regulatory, or legal authority. Of the 11,924 substantiated reports in FY 2018, it is estimated that five percent or 596 ($5\% \times 11,924$) would result in a request to review the case by a perpetrator who would have not been eligible for a case review without this legislation. It is further estimated that five percent or 84 ($5\% \times 1,676$) of the new substantiated investigations will also be reviewed for a total of 680 ($596 + 84$) new reviews. DARS estimates that each APS review requires an average of seven hours to respond. Therefore 4,760 ($680 \text{ reviews} \times 7 \text{ hours}$) additional local staff hours will be required at a cost of \$267,131 ($4,760 \times \$84,180 / 1,500 \text{ hours}$). The localities may also incur an indeterminate amount of legal costs during this review process. In addition to the local cost, DARS would require additional staff to handle the appeal of local determinations as required by the bill. The agency does not currently have any appeals staff for APS. If half of local reviews are appealed to DARS, then the agency would need to handle approximately 340 reviews annually. As such, the agency would initially require, at a minimum, two hearing officers and a part-time support position. The estimated cost of these positions, including salary, benefits and nonpersonal services is \$262,284. DARS would also incur costs associated legal representation for any case that is referred to circuit court as provided for in the bill. However, there is no clear way to estimate the number of court cases and the cost of legal representation.

Local Adult Protective Services (APS) Staff

There may be an indeterminate impact on local staffing if the provisions of this bill are interpreted to require additional staff work for those cases involving reports of deaths and missing victims. Typically an APS worker's involvement significantly decreases once a case is considered a death or missing persons case by law enforcement. As any provision of this bill increases investigatory time in these cases, staff expenses will increase.

9. Specific Agency or Political Subdivisions Affected:

Department of Social Services

Department for Aging and Rehabilitative Services

10. Technical Amendment Necessary: No

11. Other Comments: None