

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB 1658

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

2. Patron: Head

3. Committee: Health, Welfare and Institutions

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. The bill establishes (i) investigation requirements for local departments of social services related to complaints of adult abuse, neglect, and exploitation; (ii) record retention and disclosure requirements for the Department 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, Items 344 (DARS) and 351 (DSS)

7. Fiscal Impact Estimates: Preliminary

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars*</i>	<i>Positions</i>	<i>Fund</i>
2020	-	-	-
2021	\$1,111,462	3.0	General
2022	\$648,373	3.0	General
2023	\$648,373	3.0	General
2024	\$648,373	3.0	General
2025	\$648,373	3.0	General
2026	\$648,373	3.0	General

*Additionally, a local match of \$43,870 in FY 2021 and \$41,470 in subsequent years is required for the LDSS portion of this bill

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). Note: In some sections, the bill refers to the Department of Social Services and its Commissioner; however, as DARS has policy oversight of adult protective services, this statement assumes that DARS would ultimately be responsible for implementing all relevant provisions.

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 utilizes an adult protective services (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 position at an annual cost of approximately \$100,000 for salary, benefits and associated non-personal 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 subject 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. Since there are approximately 12,000 substantiated reports of abuse and neglect each year, it is estimated that five percent or 600 ($5\% \times 12,000$) 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. DARS estimates that each APS review requires an average of seven hours to respond. Therefore, 4,200 ($600 \text{ reviews} \times 7 \text{ hours}$) additional local staff hours will be required. Given 1,500 productive hours per local staff annually, the equivalent of three ($4,200 \text{ hours} / 1,500 \text{ hours}$) additional local departmental staff are required at a cost of \$283,035 ($3 \times [\$89,182 + \$5,163]$) in FY 2021 and \$267,546 ($3 \times \$89,182$) in subsequent years. First year costs also include on-boarding expenses of \$5,163 per full-time equivalent employee. The localities may also incur an indeterminate amount of legal costs during this review process. These costs would need to be appropriated in the Department of Social Services and are split 84.5 percent general fund and 15.5 percent local match.

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 300 reviews annually. As such, the agency estimates that it 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 non-personal services is \$272,297. 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. For every increase of 1,000 new investigations, the equivalent of 23 APS case workers and four supervisors would need to be employed across LDSS. Additionally, for every increase of 1,000 new investigations, the approximate cost increase is estimated at \$2,500,000 annually. These costs would need to be appropriated in the Department of Social Services and would be split 84.5 percent general fund and 15.5 percent local match.

9. Specific Agency or Political Subdivisions Affected:

Department of Social Services

Local departments of social services

Department for Aging and Rehabilitative Services

10. Technical Amendment Necessary: No

11. Other Comments: None