Department of Planning and Budget
2023 Fiscal Impact Statement

1. **Bill Number:** HB1525

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

2. **Patron:** Coyner

3. **Committee:** Health, Welfare, and Institutions

4. **Title:** Background checks; peer recovery specialists; barrier crime exceptions.

5. **Summary:** Permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist.

6. **Budget Amendment Necessary**: Yes, Item 429.

7. **Fiscal Impact Estimates:**

Expenditure Impact:

Fiscal Year	*Dollars*	*Positions*	*Fund*
2024	$166,760	2.0	GF
2025	$165,796	2.0	GF
2026	$165,796	2.0	GF
2027	$165,796	2.0	GF
2028	$165,796	2.0	GF
2029	$165,796	2.0	GF
2030	$165,796	2.0	GF

8. **Fiscal Implications:** Under current law, the background check process is applicable to any applicant for an adult mental health or substance abuse treatment program who meets the criteria outlined in the code, including such barrier crimes that may not disqualify a potential employee if it is determined they do not pose a risk to individuals they would be serving. This legislation creates a separate section that will only impact registered peer recovery specialists that slightly expands the list of barrier crimes that may receive further screening (adding 18.2-90, 18.2-91, 18.2-93) if it is determined that the crime was substantially related to their substance use or mental illness, and they have been successfully rehabilitated.

   The current background check process does not capture the type of position for which an individual applies. Without changing the system, a background check will come back with a disqualifying barrier crime and the prospective employee will receive a letter that they are

not eligible for the position. Any request to overrule the determination would need to be done manually by the employer.

In order to note that an individual is applying for a peer recovery specialist position covered by the new section, the background check process would need to be modified. First, a checkbox for peer recovery specialists would need to be added to the background check form. The legislation strikes language that requires DBHDS, community services boards, and hiring providers to use a screening contractor designated by DBHDS, however it is unclear how that impacts the fiscal impact of this legislation. The Department of Behavioral Health and Developmental Services (DBHDS) currently utilizes a contract with Fieldprint. According to DBHDS, the contractor has indicated they can make this change without any additional cost. Second, a change would need to occur in CONNECT, the licensing provider portal, to be able to bring the checkbox field over to the system. The update to CONNECT is estimated to cost under $10,000 and can be absorbed in existing DBHDS resources.

The Department of State Police anticipates an increase in workload that will necessitate additional employees as more individuals may seek employment and require background checks.

Currently, the Civil and Applicant Records Exchange (CARE) is tasked with processing criminal history record background checks. It is anticipated that fingerprint submissions would be cards, as opposed to electronic submissions. Within the fingerprint based criminal record check process, fingerprint technicians are used to establish the identification of the fingerprints in order to match the information to the appropriate criminal history record. Once this match, or no match, takes place a program support technician in the CARE section processes the criminal history record results and forwards the information to the requesting agency. Currently one fingerprint technician and one program support technician can process up to 10,000 fingerprint cards per year.

This estimate is based on the assumption that the legislation will result in fewer than 10,000 additional fingerprint-based criminal record checks per year. Based on this assumption, the Department of State Police would require one fingerprint technician trainee and one program support technician to process the additional background checks. Costs associated with the new positions are outlined below.

Position	FY 2024	Ongoing
Fingerprint Technician Trainee	$ 71,195	$ 71,195
Program Support Technician	$ 91,321	$ 91,321
Total Estimated Employee Costs	**$ 162,516**	**$ 162,516**
IT Hardware	$ 4,244	$ 3,280
Total Estimated Misc. Costs	**$ 4,244**	**$ 3,280**
TOTAL YEARLY ESTIMATED COSTS	**$ 166,760**	**$ 165,796**

9. **Specific Agency or Political Subdivisions Affected:** Department of Behavioral Health and Developmental Services, Department of State Police

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** This bill is similar to SB846.