

Department of Planning and Budget 2023 Fiscal Impact Statement

1. **Bill Number:** SB1169

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. **Patron:** Hanger

3. **Committee:** Education and Health

4. **Title:** Community services boards; behavioral health authorities; performance contracts.

5. **Summary:** Modifies and reorganizes provisions related to the requirements of performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities. The substitute bill has an enactment date of July 1, 2025.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:**

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2024	-	0.0	GF
2025	-	0.0	GF
2026	368,190	3.0	GF
2027	368,190	3.0	GF
2028	368,190	3.0	GF
2029	368,190	3.0	GF
2030	368,190	3.0	GF

8. **Fiscal Implications:** This legislation makes both technical and programmatic changes to the relationship between the Department of Behavioral Health and Developmental Services (DBHDS) central office and local Community Services Boards. Currently, state law permits DBHDS to monitor CSB performance in complying with performance contract requirements but does not require it. This legislation would change permissive language by requiring consistent monitoring of CSB performance and enforcement of performance contract requirements. The substitute legislation delays the effective date of changes to the performance contracts until July 1, 2025, thus DBHDS does not anticipate a fiscal impact in this biennium.

Currently staff at DBHDS are allocated to negotiating, renewing, and other administrative functions of the performance contract process. The level of accountability this bill proposes

would require three additional FTEs to monitor compliance, determine which CSBs are out of compliance, resolve disputes, and monitor when as CBS comes back into compliance.

One FTE would review data and identify those CSBs that are out of compliance. The other two FTEs would work with CSBs directly to monitor for substantial compliance with their performance contracts. It is anticipated that each of these employees would be a Program Administrative Specialist II with a proposed salary of \$75,000 plus fringe totaling \$115,750. A computer, email, and other associated nonpersonal items like office supplies, training, travel etc. would be needed. Because the provisions of the legislation that require significant changes to the performance contracts do not become effective until July 1, 2025, these administrative costs would not be expected until FY 2026.

Program Costs (GF)	FY 2025	FY 2026
Salary + Fringe		\$347,250
IT (Computer, mobile hotspot, iPad) and PPE		\$5,940
Program Overhead		\$15,000
Total		\$368,190

Modern data exchange between DBHDS and the CSBs will be required for DBHDS to provide greater oversight and enforce more meaningful accountability of the performance contract. The process of developing a new platform and standardizing the report format is underway. Funding in Chapter 2, 2022 Acts of Assembly, Special Session I, provides funding for a critical interface between the CSBs and DBHDS central office by dedicating resources to address system interoperability. DBHDS projects it will be at least 18 months until a new data platform and reports are finalized.

9. Specific Agency or Political Subdivisions Affected: Department of Behavioral Health and Developmental Services, Community Services Boards.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to HB2185.