

## Department of Planning and Budget 2023 Fiscal Impact Statement

**1. Bill Number:** SB1544

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Rouse

**3. Committee:** Education and Health

**4. Title:** Department of Behavioral Health and Developmental Services; licensed provider reporting requirement.

**5. Summary:** Directs the Department of Behavioral Health and Developmental Services to amend its regulations to require providers licensed by the Department to report allegations of abuse, neglect, and exploitation and incidents classified as Level II and Level III incidents by the end of the next business day following the receipt of the allegation or discovery of the Level II or Level III incident.

**6. Budget Amendment Necessary:** Indeterminate.

**7. Fiscal Impact Estimates:** Preliminary; See 8 below.

**8. Fiscal Implications:** Currently, providers must report incidents within 24 hours of discovery, regardless of whether that date is on a weekend or holiday. This legislation would require the Department of Behavioral Health and Developmental Services (DBHDS) to change its regulations so that incidents discovered on a weekend or a holiday would not need to be reported until the end of the next business day, relieving some administrative burden on providers.

The current Office of Licensing system has an automated process for determining when a serious incident report is submitted outside of the required time frame, per the current regulatory, code, and Department of Justice requirements. If this bill were to pass, DBHDS would need to engage the licensing system vendor to update the system to reflect new requirements, which would likely have some cost associated with it; however, DBHDS was not able to provide an estimate at this time.

DBHDS reports that in calendar year 2022, 4,478 incidents were discovered on a Saturday or Sunday.

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

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

**11. Other Comments:** Requirements ordered by the Court under the Settlement Agreement with the United States Department of Justice in United States v. Commonwealth of Virginia, Civil Action No. 3:12cv059-JAG, include the requirement for the Office of Licensing to assess whether "Serious incidents required to be reported under the Licensing Regulations are reported within 24 hours of discovery." In addition, the requirements include "...all DBHDS-licensed providers to report deaths through the incident reporting system within 24 hours of discovery."

This bill is a companion to SB1177.