

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 214
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB214-LAW-CIV-02-21-14
Title: MENTAL HEALTH PATIENT RIGHTS &
GRIEVANCES
Sponsor: ** HIGGINS, TARR
Requester: (H) HSS

Department: Department of Law
Appropriation: Civil Division
Allocation: Human Services
OMB Component Number: 2962

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015					
Personal Services			7.7	7.7	7.7	7.7	7.7
Travel							
Services			1.1	1.1	1.1	1.1	1.1
Commodities			0.2	0.2	0.2	0.2	0.2
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	9.0	9.0	9.0	9.0	9.0

Fund Source (Operating Only)

1007 I/A Rcpts			9.0	9.0	9.0	9.0	9.0
Total	0.0	0.0	9.0	9.0	9.0	9.0	9.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version, not applicable.

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Division: <u>Department of Law</u>	Date: <u>02/21/2014 12:00 AM</u>
Approved By: <u>Michael C. Geraghty, Attorney General</u>	Date: <u>02/22/14</u>
Agency: <u>Department of Law</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB 214

Analysis

If enacted, House Bill 214 would directly impact the Department of Law due to the increase in legal advice and administrative hearings that would be generated by this statutorily required grievance procedure. This bill expands mental health patient grievance procedures at evaluation facilities or units or designated treatment facilities or units under AS 47.30.660 – 47.30.915, including the Alaska Psychiatric Institute (API), any designated evaluation and treatment (DET) facility, which currently means Bartlett Regional Hospital (BRH) in Juneau and Fairbanks Memorial Hospital (FMS) in Fairbanks and any of over sixty private, not-for-profit behavioral health centers in the state.

Summary of Legislation

Section 1. Adds a new paragraph that requires adjudicative administrative hearings for mental health patient grievance appeals through the Office of Administrative Hearing.

Section 2. Requires each evaluation facility to employ a designated representative to act as a patient advocate to assist in filing a grievance.

Section 3. Gives DHSS the authority to establish a standardized statewide grievance procedure to include standardized forms; 24/7 crisis line operated by DHSS for filing and reviewing a grievance; a requirement that facilities deliver to DHSS an electronic copy of all grievances received within 24-hours; a requirement that every grievance filed with DHSS be reviewed within 24 hours; a requirement that the facility provide a written response to the patient and an electronic copy to DHSS within 5 days of the receipt of the grievance; a provision for a response within 24-hours for urgent level reviews; a requirement that each facility have a designated staff member who is specially trained in mental health consumer advocacy to become patient advocate for the grievant and assist the grievant throughout the grievance and/or appeal process(es); an allowance for the grievant to file a grievance or an appeal for up to one year after being discharged; a requirement that each facility report on grievance activity to DHSS quarterly; and a requirement that DHSS report on grievance activity to the Governor and Legislature biennially.

Section 4. Requires DHSS to provide facilities with a standardized notice regarding patient rights, grievance procedures and available assistance; and requires each facility to provide a copy of the notice to every patient or patient representative.

Assumptions

It is anticipated by DHSS that 3,705 grievances will be filed per year, and less than 1%, or approximately 23 hearings per year will involve the Department of Law. Estimated billings for legal services provided by the Department of Law for preparation and representation at hearing would be \$8,970 per year (\$156/hour x 23 grievances x 2.5 hours per hearing). This cost is itemized in the DHSS fiscal note, and is reflected in the Law fiscal note as interagency receipts.