

# Fiscal Note

State of Alaska  
2014 Legislative Session

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

Identifier: HB214CS(JUD)-LAW-CIV-04-08-14  
Title: MENTAL HEALTH PATIENT RIGHTS &  
GRIEVANCES  
Sponsor: \*\* HIGGINS, TARR  
Requester: (H) FINANCE

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 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services			1.0	1.0	1.0	1.0	1.0
Travel							
Services			0.2	0.2	0.2	0.2	0.2
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>1.2</b>	<b>1.2</b>	<b>1.2</b>	<b>1.2</b>	<b>1.2</b>

## Fund Source (Operating Only)

1007 I/A Rcpts			1.2	1.2	1.2	1.2	1.2
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>1.2</b>	<b>1.2</b>	<b>1.2</b>	<b>1.2</b>	<b>1.2</b>

## Positions

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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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If yes, by what date are the regulations to be adopted, amended or repealed?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:

The CS removes community behavioral health centers which significantly reduces the number of expected hearings that would require the Department of Law's involvement.

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Agency: Department of Law

Phone: (907)465-5427  
Date: 04/08/2014 05:30 PM  
Date: 04/08/14

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. CS HB 214 (JUD)

### Analysis

If enacted, House Bill 214 would minimally impact the Department of Law due to the slight increase in legal advice and administrative hearings that would be generated by this statutorily required grievance procedure. While the 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, it currently does not impact community behavioral health settings, which reduces the scope of the bill dramatically.

#### 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. Amends existing statutes for address the confidentiality of records under the grievance system established in the bill.

Section 3. Amends existing statute to clearly provide that the state cannot delegate its responsibilities under the given steps established under this bill.

Section 4. Amends existing statute to include the grievance system in the patients bill of rights.

Section 5. Gives DHSS the authority to establish a standardized statewide grievance procedure to include standardized forms and time liens and requires each facility to provide a copy of the notice to every patient or patient representative, and clearly indicate that this only applies to facilities that provide inpatient treatment under the civil commitment statutes (AS 47.30.660-.915)

Section 6. Amends existing statute to require the creation of forms and distributions of the forms related to the grievance system.

Section 7. Adds a section to the uncodified section of the statutes to address transition issues related to section 3 of the bill.

#### Assumptions

It is anticipated by DHSS with the changes in the CS that 304 grievances will be filed per year, and less than 1%, or approximately 3 to 5 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 \$1,170 per year (\$156/hour x 3 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.