

Fiscal Note

State of Alaska
2014 Legislative Session

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

Identifier: HB214CS(JUD)-DHSS-BHA-04-08-14
Title: MENTAL HEALTH PATIENT RIGHTS &
GRIEVANCES
Sponsor: ** HIGGINS, TARR
Requester: House Finance Committee

Department: Department of Health and Social Services
Appropriation: Behavioral Health
Allocation: Behavioral Health Administration
OMB Component Number: 2665

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	113.8		113.8	113.8	113.8	113.8	113.8
Travel	0.9		0.9	0.9	0.9	0.9	0.9
Services	16.6		16.6	16.6	16.6	16.6	16.6
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	131.3	0.0	131.3	131.3	131.3	131.3	131.3

Fund Source (Operating Only)

1037 GF/MH	131.3		131.3	131.3	131.3	131.3	131.3
Total	131.3	0.0	131.3	131.3	131.3	131.3	131.3

Positions

Full-time	1.0		1.0	1.0	1.0	1.0	1.0
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? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 03/01/15

Why this fiscal note differs from previous version:

The CS or version "R" eliminates "facilities that only provide outpatient services" from coverage by this legislation. This action significantly reduced the projected cost to the Department, and fiscal assumptions and cost estimates have been determined.

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Division:	Behavioral Health	Date:	04/08/2014 03:00 PM
Approved By:	Sarah Woods, Deputy Director, Finance & Management Services	Date:	04/08/14
Agency:	Health & Social Services		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSHB214(JUD)

Analysis

This bill would directly impact DHSS by expanding mental health patient grievance procedures at evaluation facilities or units or designated treatment facilities or units under AS 47.30.660 - 47.30.915, which currently means the Alaska Psychiatric Institute (API), Bartlett Regional Hospital (BRH) in Juneau, Fairbanks Memorial Hospital (FMS) in Fairbanks, Peace Health Ketchikan Medical Center, and Yukon-Kuskokwim Health Corp. in Bethel.

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 (OAH).

Section 2: requires OAH to maintain confidentiality of records pertaining to a grievance.

Section 3: amends 47.30.660, *Powers and duties of the department*, (b)(13) by limiting the duties and powers the department may delegate. Specifically, the department may not delegate duties involving investigation and oversight of a mental health facility that the department is required to perform in order to comply with federal and state law and with the mental health grievance procedure under 47.30.847, *Patients' grievance procedures*.

Section 4: amends 47.30.840, *Right to privacy and personal possessions, other rights*, (a) by adding 5 new subparagraphs (12-16) that:

establish a patient's right to file a grievance,
require evaluation and treatment facilities to have designated patient representatives on staff to act as advocates and assist in filing grievances,
establish a patient's right to select a person to serve as an advocate and assist in filing grievances,
establish a patient's right to maintain natural support systems if locked in an evaluation facility more than 3 days, and
establish the confidentiality of a patient's records unless the patient signs a release.

Section 5: repeals and reenacts 47.30.847, *Patients' grievance procedures*.

(a) requires DHSS to establish a standardized statewide grievance procedure to include standardized forms and notices; an appeal procedure including OAH appeals; telephone call center operated by DHSS for filing and reviewing a grievance; regular compliance monitoring; timely records review; maintenance of confidentiality; establishes 3 levels of grievances.

(b) and (c) detail new requirements for evaluation and treatment facilities and give the grievant the right to request the Commissioner to review facility responses within 30 days of receipt.

(d) allows grievances and appeals to be filed up to one year after patient discharge.

(e) requires the DHSS to review all grievances and responses and to intervene when necessary.

(f) requires facilities to file annual reports with the DHSS on grievance activity.

(g) requires DHSS to provide the Governor, legislature and the public with an annual report on grievance activity.

(h) clarifies that nothing in this section applies to facilities that provide only outpatient services.

(i) provides definitions of grievant, grievance, and unit.

Section 6: 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.

Section 7: amends uncodified law of State of Alaska to require the Department to implement as soon as feasible the changes made to 47.30.660(b)(13) as amended by Sec. 3.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSHB214(JUD)

Analysis Continued

Assumptions:

It will take approximately 8 months following passage to implement the program revisions.

Program staff within the Division of Behavioral Health would be responsible for reviewing every grievance document received and monitoring compliance with the established grievance procedures.

It is anticipated that 304 grievances will be filed per year. This is based on

- 252 grievances at the Alaska Psychiatric Institute based on the number of grievances reports in FY2013 (15% of admissions)
- 52 grievances from the two Designated Evaluation and Treatment hospitals based on 347 admissions in FY2013 and using the same rate for those hospitals as API (15%).

Less than 1% of the grievances are expected to reach the appeal level with the Office of Administrative Hearings.

Less than .5% of the grievances are expected to require Department intervention at a facility to protect rights under AS 47.30.840.

Costs:

Personal Services: \$113,832

- 1.0 FTE Mental Health Clinician III (R21/B) – Based in Anchorage, this position will be required to develop the program and regulations, review and respond to grievances, intervene when necessary, prepare annual reports and provide training to hospitals.

Travel: \$865

1 trip per year to hospitals outside the Anchorage bowl for compliance monitoring and interventions:

- Airfare: \$500 x 1 trip = \$500
- Car rental: \$35/day x 2 days x 1 trip = \$70
- Hotel: \$175/night x 1 night x 1 trip = \$175
- Per Diem: \$60/day x 2 days x 1 trip = \$120

Services: \$16,615

- Allocated share of facility and communication costs: \$10,000 (\$10,000 per person in Anchorage)
- RSA with Dept of Law for preparation and representation at hearing: \$1,170 per year (\$156/hour x 3 grievances x 2.5 hours per hearing)
- RSA with DOA Office of Administrative Hearing: \$5,445 per year (\$165/hour x 33 total hours).

It is anticipated that some of the hearings will be more complicated than others. The 33 hour estimate is based on an average: 3 x 2 hour hearing, 1 hour prep, 8 hour decision/post decision = 33 hours