

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version: SB 53
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB053CS(JUD)-FCS-IMH-API-4-17-2023
Title: FIVE-YEAR INVOLUNTARY COMMITMENTS
Sponsor: CLAMAN
Requester: Senate Finance Committee

Department: Department of Family and Community Services
Appropriation: Inpatient Mental Health
Allocation: Alaska Psychiatric Institute
OMB Component Number: 3311

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2024	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Personal Services		675.0	675.0	814.3	814.3	953.6	953.6
Travel							
Services	300.0	125.0	190.0	203.0	203.0	216.0	216.0
Commodities			7.5	14.5	9.0	16.0	10.5
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	300.0	800.0	872.5	1,031.8	1,026.3	1,185.6	1,180.1

Fund Source (Operating Only)

1037 GF/MH (UGF)	300.0	800.0	872.5	1,031.8	1,026.3	1,185.6	1,180.1
Total	300.0	800.0	872.5	1,031.8	1,026.3	1,185.6	1,180.1

Positions

Full-time		4.0	4.0	5.0	5.0	6.0	6.0
Part-time		1.0	1.0	1.0	1.0	1.0	1.0
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2023) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2024) cost: 0.0 (separate capital appropriation required)

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - 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If yes, by what date are the regulations to be adopted, amended or repealed? NA

Why this fiscal note differs from previous version/comments:

The analysis section has been revised to reflect the committee substitute's removal of the requirements for the Department of Family and Community Services to provide additional victim notifications. The Department of Law is required to provide the notifications under the committee substitute. The 4/17/23 version removes FY24 Governor's budget requests from the "FY2024 Appropriation Requested" column and provides additional analysis related to the impact of the bill on services related to civil commitments.

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Phone: (907)465-5808
Date: 04/17/2023
Date: 04/17/23

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

BILL NO. CSSB053 (JUD)

Analysis

SB53 doubles the maximum length of court order forensic restoration found in AS 12.47.100 from a current maximum of one-year to up to two-years. The Department of Family and Community Services, Alaska Psychiatric Institute (API) has taken steps in recent years to ensure court ordered competency evaluations are conducted in a timely fashion by hiring both in-house and contracted evaluators. Alaska currently has capacity to provide forensic restoration for only 10 defendants at a time.

As of March 8, 2023 API has a waitlist of 30 defendants for restoration services, with waits ranging from 130-150 days. These delays result in some defendants waiting for restoration placement in jail, while defendants who are facing less serious charges have their cases dismissed before receiving forensic treatment services.

The department is working on multiple initiatives to increase the number of justice involved individuals served, including creation of a outpatient and jail based restoration programs. Once implemented, the most acutely ill and clinically complex patients will be served at API, while other defendants could then be more rapidly served in the outpatient and jail-based programs. The FY24 Governor's Budget includes 5 positions and \$800.0 to staff and implement these programs (\$675.0 personnel, \$125.0 services).

The increases to the maximum length of court order forensic restoration for defendants facing the most serious criminal charges will extend the length of stay and exasperate the current delays in forensic treatment. The positions included in the FY24 budget proposal are vital to improving these services. The department further estimates that it will need to expand the jail-based restoration program with new positions in FY2026 and FY2028 to provide these services if SB53 goes into effect.

The following new positions are necessary in the Alaska Psychiatric Institute for FY2026:

1. Mental Health Clinician 3 (PFT), range 21, located in Anchorage

The following new positions are necessary in the Alaska Psychiatric Institute for FY2028:

1. Mental Health Clinician 3 (PFT), range 21, located in Anchorage

All of these new positions would need a one-time start-up cost of \$7.0 to purchase IT equipment and additional office supplies for the new position and then \$1.5 for subsequent years. Also, included are the costs of department and state chargeback costs at \$13.0 per year.

The proposed changes in this bill will necessitate an update to the Forensic Psychiatric Hospital Feasibility Study (July 2019). The study services a strategic plan for how the department plans to meet the increasing demand for forensic restoration services. The department estimates a contract cost of \$300.0 to complete the update.

SB53 requires the Department of Law to file a petition seeking involuntary commitment orders for defendants who remain incompetent to stand trial after all criminal competency restoration orders have expired, and extends the length of time between judicial reviews that the court may order patients who have been previously found incompetent to stand trial to be held under the Title 47 civil commitment process.

Current statute limits these involuntary commitment orders for up to six months, SB53 would allow the court to extend commitment orders up to five years. SB53 requires the Department of Family and Community Services to provide an annual report with information on the number of patients committed under this section. This reporting requirement will not have a fiscal impact on the department. The bill also requires that a discharge hearing be held before a patient held under this new provision is released from department custody. Due to the low number of patients expected to be held under this provision, the additional hearing requirement is not expected to have a fiscal impact.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

BILL NO. CSSB053 (JUD)

Analysis

This bill may increase the length of time that some patients spend in court ordered civil commitment at Alaska Psychiatric Institute (API). SB53 may indirectly affect bed capacity due to beds being occupied by some patients for longer lengths of stay, reducing bed availability for other patients. Because API is budgeted for full capacity of 70 civil patients, this change will not impact the API budget.

House Bill 172 (Ch 41, SLA 2022) seeks to expand capacity for psychiatric evaluation, stabilization, and treatment of civil patients by allowing a new category of facility to seek designation from the department to provide involuntary commitment services, similar to current Designated Evaluation and Stabilization (DES) and Designated Evaluation and Treatment (DET) centers. The department is actively working to expand these services beyond the current 4 facilities offering DES/DET services (Bartlett Regional Hospital, Fairbanks Memorial Hospital, Mat-Su Regional Hospital, and Ketchikan Medical Center).

The FY2024 Governor's budget includes a total of \$904.0 (\$150.0 I/A Receipts (Other) and \$754.0 GF/MH (UGF) as part of the second year of HB172 implementation. No additional resources to support these programs are anticipated as a result of this legislation.