

Fiscal Note

State of Alaska
2014 Legislative Session

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

Identifier: HB214-DHSS-BHA-02-14-14
Title: MENTAL HEALTH PATIENT RIGHTS &
GRIEVANCES
Sponsor: ** HIGGINS, TARR
Requester: House Health & Social Services 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	341.5		341.5	341.5	341.5	341.5	341.5
Travel	5.0		5.0	5.0	5.0	5.0	5.0
Services	413.3		413.3	413.3	413.3	413.3	413.3
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	759.8	0.0	759.8	759.8	759.8	759.8	759.8

Fund Source (Operating Only)

1037 GF/MH	759.8		759.8	759.8	759.8	759.8	759.8
Total	759.8	0.0	759.8	759.8	759.8	759.8	759.8

Positions

Full-time	3.0		3.0	3.0	3.0	3.0	3.0
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If yes, by what date are the regulations to be adopted, amended or repealed? 03/01/15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:

Not applicable, initial version.

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Division:	Behavioral Health	Date:	02/14/2014 12:00 PM
Approved By:	Sarah Woods, Deputy Director, Finance & Management Services	Date:	02/14/14
Agency:	Health & Social Services		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. HB214

Analysis

If enacted, the bill would directly impact DHSS by substantially 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 – specifically 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 will take approximately 8 months following passage to implement the program revisions.
- Administrative staff within the Division of Behavioral Health would be responsible for reviewing every grievance and monitoring compliance with the established grievance procedures.
- It is anticipated that 3,705 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%); and
 - 2,267 grievances from community programs based on 18,892 adults and youth served in FY2013 and an estimated rate of 12% that are likely to file a written complaint that will require review.
- 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.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

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Analysis Continued

Costs (FY2015 – FY2020):

Personal Services: \$341,496

3.0 FTE Mental Health Clinician III (R21/B) – Based in Anchorage, these positions will be required to develop the program and regulations, function as investigators and provide training to hospital and community providers.

Travel: \$4,980

6 trips to facilities outside the Anchorage bowl for compliance monitoring and interventions :

Airfare: \$500 x 6 trips = \$3,000

Car rental: \$35/day x 1 day x 6 trips = \$210

Hotel: \$175/night x 1 night x 6 trips = \$1,050

Per Diem: \$60/day x 2 days x 6 trips = \$720

Services: \$413,305

Allocated share of facility and communication costs: \$30,000 (\$10,000 per person in Anchorage)

Contract for 24/7 grievance crisis line: \$325,000 per year (based on existing 24/7 suicide crisis line contract)

RSA with Dept of Law for prep and representation at hearing: \$8,970 per year (\$156/hour x 23 grievances x 2.5 hours per hearing)

RSA with DOA Office of Administrative Hearing: \$49,335 per year (\$165/hour x 299 total hours).

It is anticipated that some of the hearings will be more complicated than others. The 299 hour estimate is based on:

23 x 1 hour for case mgmt/settlement = 23

10 x 1 hour hrg, 1 hr prep, 5 hr decision/post decision = 70

10 x 2 hour hrg, 1 hr prep, 8 hr decision/post decision = 110

3 x 8 hour hrg, 4 hr prep, 20 hr decision/post decision = 96