

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version: HB 80
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB080-FCS-IMH-API-3-10-2023
Title: INCOMPETENCY; CIVIL COMMITMENT
Sponsor: JOSEPHSON
Requester: House Health and Social Services

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	675.0	814.3	814.3	953.6	953.6
Travel							
Services	490.0	125.0	190.0	203.0	203.0	216.0	216.0
Commodities	35.0		7.5	14.5	9.0	16.0	10.5
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	1,200.0	800.0	872.5	1,031.8	1,026.3	1,185.6	1,180.1

Fund Source (Operating Only)

1037 GF/MH (UGF)	1,200.0	800.0	872.5	1,031.8	1,026.3	1,185.6	1,180.1
Total	1,200.0	800.0	872.5	1,031.8	1,026.3	1,185.6	1,180.1

Positions

Full-time	4.0	4.0		1.0		1.0	
Part-time	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If yes, by what date are the regulations to be adopted, amended or repealed?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:

Not applicable; Initial version

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Agency: Department of Family and Community Services

Phone: (907)269-7100
Date: 03/10/2023
Date: 03/10/23

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

BILL NO. HB80

Analysis

HB80 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 ten 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 awaiting a restoration placement in jail, while defendants 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 lease and equipment). 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.

The following new positions are necessary in the Alaska Psychiatric Institute for FY2024:

- 1. Forensic Psychologist (PFT), range 26, located in Anchorage -- this will be the Program Director
- 2. Mental Health Clinician 3 (PFT), range 21, located in Anchorage
- 3. Mental Health Clinician 3 (PFT), range 21, located in Anchorage
- 4. Psychiatric Nursing Assistant (PFT), range 12, located in Anchorage
- 5. Forensic Psychiatrist (PPT), range 28, located in Anchorage

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 service 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.

HB80 currently requires the Department of Family and Community Services to provide notification to victims related to the place and time of civil commitment hearings, the length of commitment, court findings, and when a patient is released from commitment. The department has no contact with the victims of former defendants who are now in the custody of DFCS under a civil commitment orders. Development of a notification system will require significant fiscal and programmic investment. The department will provide further fiscal analysis of this provision as information is available.