

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSHB 214(HSS)
Fiscal Note Number: 1
(H) Publish Date: 3/18/14

Identifier: HB214CS(HSS)-DHSS-BHA-03-18-14
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				
	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES							
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

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If yes, by what date are the regulations to be adopted, amended or repealed?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

This CS eliminates "facilities that only provide outpatient services" from coverage by this legislation. This action will significantly reduce the projected cost to the Department, but we are not able to estimate the number of grievances likely to be received by the Department at this time. Therefore we are submitting an indeterminate fiscal note.

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Division: <u>Behavioral Health</u>	Date: <u>03/17/2014 05:00 PM</u>
Approved By: <u>Sarah Woods, Deputy Director, Finance & Management Services</u>	Date: <u>03/18/14</u>
Agency: <u>Health & Social Services</u>	

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSHB 214(HSS)

Analysis

This legislation directly impacts 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 this includes 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 more than thirty five private, not-for-profit behavioral health residential facilities in the state. This legislation excludes facilities that only provide out-patient services from coverage.

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. Undetermined fiscal impact.

Section 2. Requires confidentiality of records pertaining to grievances and would have no fiscal impact.

Section 3: Establishes patient rights. No fiscal impact.

Section 4. Requires the department to establish a standardized statewide mental health patient grievance procedure including 3 categories of grievances; requires the development of a state grievance form and procedure; requires the department to establish a telephone call center for filing and reviewing grievances; requires the department to receive, review and intervene when necessary in level 2 and 3 grievances; requires the department to provide the Governor and legislature an annual report of the number, locations and categories of grievances and to provide recommendations for improving mental health evaluation, treatment and procedures in the state. This section states that facilities providing only outpatient services are not covered by the legislation. Undetermined fiscal impact.

Section 5. Requires the department to provide a standardized notice to all evaluation and treatment facilities regarding patient rights, grievances procedures and available assistance. Nominal fiscal impact.

Section 6. Repeals 47.30.660(b)(13), which would eliminate the department's ability to operate Designated Evaluation and Treatment (DET) and Designated Evaluation and Stabilization (DES) programs in non-state-owned hospitals, leaving the Alaska Psychiatric Institute as the only acute care facility for psychiatric emergencies and in-patient treatment. Undetermined fiscal impact.

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.

- 252 grievances at the Alaska Psychiatric Institute are anticipated 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%); however

- the number of grievances from community programs is undetermined without further evaluation of the impact of eliminating the outpatient programs. We know that approximately 52% of our community behavioral health programs are providers of outpatient services only, but we would expect them to account for considerably less than 52% of the grievances with a significant number of grievances coming from residential facilities covered under this legislation.

Therefore we are submitting an indeterminate fiscal note. We anticipate costs associated with personal services, travel, and contractual with Department of Law and Department of Administration Office of Administrative Hearings.