

Fiscal Note

State of Alaska
2023 Legislative Session

Bill Version:	CSSB 53(JUD)
Fiscal Note Number:	6
(S) Publish Date:	4/7/2023

Identifier: SB053CS(HSS)-FCS-IMH-API-3-10-2023
 Title: FIVE-YEAR INVOLUNTARY COMMITMENTS
 Sponsor: CLAMAN
 Requester: Senate Judiciary 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	Included in	Out-Year Cost Estimates					
	Appropriation Requested	Governor's FY2024 Request	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
OPERATING EXPENDITURES	FY 2024	FY 2024						
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 If yes, by what date are the regulations to be adopted, amended or repealed?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:

Revised to reflect the committee substitute's changes to the maximum length of competency restoration court orders from one to two years.

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Division:	Alaska Psychiatric Institute	Date:	03/10/2023 04:30 PM
Approved By:	Marian Sweet, Assistant Commissioner	Date:	03/10/23
Agency:	Department of Family and Community Services		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2023 LEGISLATIVE SESSION

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 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 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.

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SB53 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 programmatic investment. The department will provide further fiscal analysis of this provision as information is available.

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.

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 80 patients, this change will not impact the API budget.