

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB688

House of Origin ☐ Introduced ☐ Substitute ☒ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Mason

3. Committee: Judiciary

4. Title: Determination of competency; report to Commissioner of Behavioral Health and Developmental Service.

5. Summary: Provides that a copy of the competency report shall be sent to the Commissioner of Behavioral Health and Developmental Services for the purpose of (i) conducting peer review and (ii) monitoring use of forensic assessments by the courts and their impact on the defendants and the public. Under current law, copies of such reports are sent to the Commissioner of Behavioral Health and Developmental Services for the purposes of establishing and maintaining the list of approved evaluators. The engrossed version of the bill states that the legislation shall not be enacted unless funds are provided in the Appropriations Act for this purpose.

6. Budget Amendment Necessary: Yes. Item 311.

7. Fiscal Impact Estimates:

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2023	722,903	2.0	
2024	232,903	2.0	GF
2025	232,903	2.0	GF
2026	232,903	2.0	GF
2027	232,903	2.0	GF
2028	232,903	2.0	GF
2029	232,903	2.0	GF

8. Fiscal Implications: The Department of Behavioral Health and Developmental Services currently receives approximately 4500 redacted copies of evaluations from the courts each year. The reports are redacted to protect Personal Health Information (PHI) and thus do not require additional protection or redaction once received by DBHDS and are tracked on an excel spreadsheet. This bill will require that un-redacted reports be sent to DBHDS for peer review and monitoring of services and impact to those individuals who have been evaluated. In order to protect PHI, DBHDS will need to utilize a cloud-based system, expanding or replacing their current Forensic Information Management System (FIMS) in order to store the

data, as the current system does not have a mechanism for storing private health data. The system would also need to allow for data analytic capabilities and would be utilized for pulling statistics and other reports in order to conduct peer review and monitoring.

It is possible this system could be an addition to the Electronic Health Record (EHR) system upgrade included in the introduced budget. However, whether the FIMS upgrade is added to the EHR interface or created separately, DBHDS estimates the costs to remain the same. The total fiscal impact is estimated to be \$490,000 in one-time costs, and \$232,903 in ongoing costs. This amount will provide one administrative position at \$77,453, including fringe, and one position for IT support at \$135,450 with fringe, document storage, and the full integration of the solution into the FIMS anticipated replacement system.

Per Program Costs (Non-Nova)**	FY23 One-Time	FY23 Ongoing	FY24 Ongoing
Forensic Services Administrative Support FTE (salary, fringe)		\$77,453	\$77,453
IT Support FTE (salary, fringe)		\$135,450	\$135,450
Equipment for 2 FTE's	\$10,000		
Annual Licensing Costs		\$20,000	\$20,000
FIMS	\$480,000		
Total	\$490,000	\$232,903	\$232,903

9. Specific Agency or Political Subdivisions Affected: Department of Behavioral Health and Developmental Services.

10. Technical Amendment Necessary: No.

11. Other Comments: None.