

**HF1568 - 1E - "Civil Cmmtmnt of Mentally Ill Persons"**

Chief Author: **Joe Hoppe**  
 Committee: **Health and Human Services Finance**  
 Date Completed: **04/13/2015**  
 Agency: **Human Services Dept**

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact	X	

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings) Dollars in Thousands	Biennium			Biennium	
	FY2015	FY2016	FY2017	FY2018	FY2019
<b>General Fund</b>	-	605	582	582	582
<b>Total</b>	-	<b>605</b>	<b>582</b>	<b>582</b>	<b>582</b>
<b>Biennial Total</b>			<b>1,187</b>		<b>1,164</b>

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2015	FY2016	FY2017	FY2018	FY2019
General Fund	-	5	5	5	5
<b>Total</b>	-	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>

**Executive Budget Officer's Comment**

I have reviewed this fiscal note for reasonableness of content and consistency with MMB's Fiscal Note policies.

EBO Signature: Susan Earle      Date: 4/13/2015 9:52:01 PM  
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### State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

\*Transfers In/Out and Absorbed Costs are only displayed when reported.

<b>State Cost (Savings) = 1-2</b>		Biennium			Biennium	
Dollars in Thousands		FY2015	FY2016	FY2017	FY2018	FY2019
General Fund	-	605	582	582	582	582
<b>Total</b>	<b>-</b>	<b>605</b>	<b>582</b>	<b>582</b>	<b>582</b>	<b>582</b>
<b>Biennial Total</b>				<b>1,187</b>	<b>1,164</b>	
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
General Fund	-	640	617	617	617	617
<b>Total</b>	<b>-</b>	<b>640</b>	<b>617</b>	<b>617</b>	<b>617</b>	<b>617</b>
<b>Biennial Total</b>				<b>1,257</b>	<b>1,234</b>	
<b>2 - Revenues, Transfers In*</b>						
General Fund	-	35	35	35	35	35
<b>Total</b>	<b>-</b>	<b>35</b>	<b>35</b>	<b>35</b>	<b>35</b>	<b>35</b>
<b>Biennial Total</b>				<b>70</b>	<b>70</b>	

### Bill Description

An amendment to 253B.18, subd. 4c seeks to add a provision which would require the Special Review Board (SRB) to review all cases that come before it for obstacles and barriers to treatment and report yearly to the Commissioner on trends observed.

An amendment to 253B.18, subd. 5 would require the head of the Minnesota Security Hospital (MSH) to petition the SRB on behalf of all patients who have not appeared before the SRB in the previous three years, and every three years thereafter do the same.

The bill does not specify an effective date.

### Assumptions

253B.18, Subd. 4c

SRB to track obstacles and barriers to treatment and report to commissioner on a yearly basis. Current SRB findings already include obstacles and issues related to denial of a petition. This information is also being provided by Department of Human Services (DHS) staff to the Hospital Review Board (HRB) and will be used to report to the commissioner. Implementing this provision is within the scope of existing work.

253B.18, Subd. 5

Special Review Board Hearing Expenses:

- All MI&D Committed Clients, in-house and on provisional discharge (PD), will be reviewed by SRB once every three years
- As of September 2014, the total number of MI&D clients was 469 (286 in-house and 183 on PD)
- Of the 286 in-house clients, 178 clients had not been before the SRB within 1 year of admission (approx. 63%). At this time we do not have numbers of MI&D clients on PD that have not been before the SRB within 1 year; therefore, assume that 63% of all clients (including those on PD) to estimate the total number of clients that would go before the

SRB.

- 63% of the 469 total MI&D clients (or 296) need to go before the SRB
- Discussions with the bill author confirmed that her intent is that the 296 MI&D clients would be reviewed over a three-year period (or approx. 100 per year) starting in FY2016.
- Hearings would begin to be scheduled starting August 1, 2015
- 37% of the 469 total MI&D clients (or 173) have been before the SRB within the past 3 years. These individuals will be due to be seen by the SRB again in 3 years. Since hearings for these clients had been accomplished within base funding, it is assumed that base funding continues to serve this capacity in the future.
- Two SRB hearings will be scheduled per day total of 50 additional days of hearings

MSH Staffing Requirements - Evaluations are completed by both a Clinical Examiner and a Forensic Examiner or each SRB. Currently one full time staff can complete about 6 evaluations per month or 72 per year. Completing an additional 100 evaluations per year will require the addition of 1.50 FTEs for both Clinical and Forensic Examiners.

- MSH Cost of Care Recoveries are 10% of additional MSH Costs

State Operated Services (SOS) Support staff Requirements The above figures would be in addition to any petitions that would be filed by the patient/attorney or medical director when a patient is ready for discharge or transfer to a lower level of custody. On average, 130 petitions are received each year. Each SRB hearing requires approx. 8.25 hours of professional staff time to: collect and disseminate records to the involved parties (client, clients attorney, review board members, etc.), coordinate hearing dates (dependent on client attorney schedules), attending hearings, track findings and draft and disseminate the commissioners orders. About 75% of SRB hearings require additional tasks and follow-up requiring an additional 9.75 hours per hearing (additional court documents required due to having clients register as a sex offender, getting a new attorney appointed, obtaining additional information for petition to proceed, rescheduling of cancelled hearings). About 50% of the SRB hearings will be continued which require an additional 6.25 hours of staff time (rescheduling hearings, attending hearings, tracking findings, etc.). Currently a full-time support staff is assigned to assist with handling the distribution of packets, findings and orders, including all the photocopying, mailings.

An additional 100 hearings per year would require 1.0 FTE professional positions for coordinating the SRB process and another 1.0 FTE support staff.

Professional Staff Time:

Hearing Type	Staff Time Per Hearing	% of Hearings	Total Staff Hours
Regular	8.25	100%	825.00
Requires Addl Tasks & Follow-up	9.75	75%	731.25
Continued Cases	6.25	50%	312.50
Total			1,868.75
Calculated FTE (based on 2,088 annual hours):			0.89

Note: round FTE to full time due to vacation and sick coverage

These estimates are based on an effective date of July 1, 2015.

**Expenditure and/or Revenue Formula**

**Additional Special Review Board Hearing Expenses:**

Expenses Per Day	Rate	Multiplier	Total Expense
Board Member Per Diem (2 Hearings per Day)	\$335.00	3 members	\$1,005
Board Member Mileage/Lodging	\$50.00	3 members	\$150
Addl Attorney Fees for Findings (per Hearing)	\$150.00	2 hrngs	\$300
Copy/Mailing of SRB Packets to Clients	\$20.00	2 clients	\$40
ITV St. Peter (\$75/hr)	\$37.50	2 hrngs	\$75
ITV County (\$50/hr)	\$25.00	2 hrngs	\$50
ITV Gateway Connection/session	\$25.00	2 hrngs	\$50
Total Daily Hearing Cost (@ 2 hearings / day)			\$1,670
	<b>Rate</b>	<b>Multiplier</b>	<b>Total Expense</b>
<b>Annual Expense for 100 additional hearings</b>	\$1,670	50	\$83,500

NOTE: ITV is Interactive Television or Video Conferencing

**MSH Staffing Requirements:**

Clinical Examiner (Psychologist 3) Annual Salary \$79,800, Fringe estimated at 30% of annual salary for a total annual expense of \$103,700 (assumes 1.18% COLA in FY17) x 1.50 FTEs = \$155,550

Forensic Examiner (Behavioral Modification Practitioner) Annual Salary \$98,700, Fringe estimated at 35% of annual salary for a total annual expense of \$128,300 (assumes 1.18% COLA in FY17) x 1.50 FTEs = \$192,450

**SOS Support Services Staffing Requirements:**

Professional Staff (Management Analyst 4) Annual Salary \$74,300, Fringe estimated at 30% of annual salary for a total annual expense of \$96,590 (assumes 1.18% COLA in FY17) x 1.0 FTEs = \$96,560

Support Staff (Office and Admin Specialist Intermediate) Annual Salary \$40,000, Fringe estimated at 30% of annual salary for a total annual expense of \$52,000 (assumes 1.18% COLA in FY17) x 1.0 FTE = \$52,000

Administrative Overhead & Non-Salary Expense -- \$29,700 year one, \$14,000 on-going per FTE

Fiscal Tracking Summary (\$000s)						
Fund	BACT	Description	FY2016	FY2017	FY2018	FY2019
1000	61	SOS Mental Health Svcs SRB Exp	84	84	84	84
1000	61	SOS Mental Health Svcs Salary & Admin Exp	208	179	179	179

Fiscal Tracking Summary (\$000s)						
1000	63	SOS Forensic Svcs Salary	348	354	354	354
1000	Rev2	SOS Cost of Care Recoveries	(35)	(35)	(35)	(35)
		<b>Total Net Fiscal Impact</b>	<b>640</b>	<b>617</b>	<b>617</b>	<b>617</b>
		<b>Full Time Equivalent</b>	5.0	5.0	5.0	5.0

**Long-Term Fiscal Considerations**

N/A

**Local Fiscal Impact**

Counties are billed for 10% of MSH costs, the estimated aggregate county cost of this proposal is \$35,000/year.

**References/Sources**

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