

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 15, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB70 by Nelson (Relating to the investigation of abuse, neglect, or exploitation in an intermediate care facility for the mentally retarded.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB70, As Introduced: a negative impact of (\$3,747,204) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$1,974,396)
2011	(\$1,772,808)
2012	(\$1,776,112)
2013	(\$1,779,529)
2014	(\$1,783,060)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Federal Funds 555	Change in Number of State Employees from FY 2009
2010	(\$1,974,396)	(\$410,082)	28.0
2011	(\$1,772,808)	(\$400,660)	36.0
2012	(\$1,776,112)	(\$401,533)	36.0
2013	(\$1,779,529)	(\$402,436)	36.0
2014	(\$1,783,060)	(\$403,369)	36.0

Fiscal Analysis

The bill would require the Department of Family and Protective Services (DFPS) to conduct investigations after receiving reports of abuse, neglect, and exploitation of residents in privately-operated Intermediate Care Facilities for Persons with Mental Retardation (ICF-MRs), file petitions for temporary care and protection of the resident if needed, and complete a written report of the investigation. The Executive Commissioner of the Health and Human Services Commission (HHSC) would be required to adopt rules governing these investigations and provision of services as necessary to alleviate abuse, neglect, or exploitation. The bill would exclude investigations of abuse, neglect, and exploitation in privately-operated ICF-MRs from the Department of Aging and Disability Services' (DADS) licensing and enforcement responsibilities.

The bill would require a privately-operated ICF-MR to submit a report to DFPS concerning the death of a resident and certain former residents of the facility. DFPS would be required to correlate these reports with death certificate information and develop statistical information on official causes of death.

The bill would require DFPS and DADS to work together to ensure the central registry accurately includes reported cases of abuse and neglect.

Methodology

DFPS estimates APS would conduct 1,261 investigations per year in 744 licensed ICF-MR facilities, and that the duration of each investigation would be 30 hours. DFPS assumes investigations would be completed in 5 days as per existing federal Medicaid requirements and DADS’ rules. DFPS reports it would require 24 staff members to complete the investigations and 4 additional supervisors and administrative assistants. DFPS indicates 2 staff members would be needed in fiscal year 2010 to develop the new training curriculum and cross-train employees. This analysis assumes after 2010, 1 FTE would be required for this purpose.

DFPS indicates the IMPACT system would need to be updated to include the ICF-MR facilities and the one-time All Funds cost of the update would be \$105,370 in fiscal year 2010. DFPS indicates it would require creation of a death registry database to collect death reports from ICF-MR providers and the All Funds cost would be \$486,331. DFPS reports it would require 1 FTE for ongoing maintenance and modification of the death registry database and to perform other responsibilities regarding the IMPACT database changes.

DFPS indicates it needs 2 staff members to perform policy development, data reporting, and quality assurance relating to the investigations and death registry database.

The All Funds cost for salaries, benefits, travel, and other operating costs would be \$1,599,231 in fiscal year 2010 and approximately \$1,928,048 for 2011 and each subsequent year.

This analysis assumes HHSC rulemaking can be accomplished within existing resources.

The cost relating to DFPS and DADS’ cooperation to update the central registry cannot be determined because the registry is not specified.

The enterprise support costs from increased staff at DFPS would be \$193,547 of General Revenue Funds in fiscal year 2010 and approximately \$245,421 of General Revenue Funds in fiscal year 2011 and in each additional year.

Technology

The one-time cost of updating the IMPACT system to include the ICF-MR facilities would be \$105,370 in fiscal year 2010. The one-time cost of creating the death registry database would be \$486,331 in fiscal year 2010.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 530 Family and Protective Services, Department of, 539 Aging and Disability Services, Department of

LBB Staff: JOB, CL, JI, BM, LL, NM