

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 25, 2011**

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

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

**IN RE: SB415** by Zaffirini (Relating to individuals with intellectual disabilities committed to state supported living centers.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for SB415, As Introduced: a negative impact of (\$5,552,092) through the biennium ending August 31, 2013.

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
2012	(\$2,824,671)
2013	(\$2,727,421)
2014	(\$2,473,018)
2015	(\$2,221,254)
2016	(\$2,029,838)

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/ (Cost) from <i>GR Certified As Match For Medicaid</i> 8032	Probable Savings/ (Cost) from <i>Federal Funds</i> 555	Probable Revenue Gain from <i>Judicial Fund</i> 573	Change in Number of State Employees from FY 2011
2012	(\$2,824,671)	(\$3,968,669)	\$221,320	48.0
2013	(\$2,727,421)	(\$3,682,499)	\$204,215	46.0
2014	(\$2,473,018)	(\$3,339,010)	\$187,110	41.0
2015	(\$2,221,254)	(\$2,999,085)	\$170,005	36.0
2016	(\$2,029,838)	(\$2,740,638)	\$152,900	34.0

**Fiscal Analysis**

The bill would amend Section 593.052 of the Health and Safety Code (Persons with Mental Retardation Act) to limit an order for long-term placement in a residential care facility to 12 months. Thirty days prior to an order's expiration, the bill would require a facility administrator to notify the local mental retardation authority serving the area where the facility is located. The local authority would be required to either prepare a transition plan for placing the resident in the community or file an application of renewal for the order.

## Methodology

This analysis assumes all state supported living center (SSLC) residents committed under Section 593.052 (civil commitments) would require court hearings to obtain an initial time-limited order and annual renewal orders. According to the Department of Aging and Disability Services (DADS), the department would require additional full-time equivalents (FTEs) to prepare for and accompany SSLC residents to court hearings. Based on an average monthly SSLC system census of 4,032 in fiscal year 2012 and using metrics provided by DADS, this analysis assumes 48.0 FTEs including 20 QMRPs, 8 clerks, and 20 attorneys would be required in fiscal year 2012, at a cost of \$3.0 million in All Funds. The estimate assumes the FTEs required would decline in 2013 and each subsequent year, at a rate proportional to the current rate of SSLC census decline. The rate of decline could be affected by the availability of waiver slots. Costs are estimated to be \$2.9 million in fiscal year 2013 and between \$2.6 – \$2.1 million for fiscal years 2014 to 2016. Costs are assumed to be matched at the Federal Medical Assistance Percentage (FMAP).

DADS and the Office of Court Administration (OCA) assume the department would incur court costs for the recommitment hearings. DADS estimates the total court costs including civil filing fees would be \$600 per hearing, resulting in a cost of \$2.4 million in All Funds in fiscal year 2012. This analysis assumes court costs in fiscal years 2013 to 2016 would decline at a rate proportional to the current rate of SSLC census decline, resulting in a cost of \$2.2 million in All Funds in fiscal year 2013, and between \$2.0 – \$1.7 million in All Funds for fiscal years 2014 to 2016. Costs are assumed to be matched at the Federal Medical Assistance Percentage (FMAP).

The bill would result in an estimated revenue gain of \$0.2 million to the Judicial Fund in each year of fiscal years 2012 to 2016, due to increased civil filing fees. For purposes of this estimate, OCA assumes a typical civil filing fee of \$170. According to OCA, of the anticipated \$170 civil filing fee, as much as \$55 could be remitted by counties to the state. This includes \$40 for support of the judiciary, \$10 for basic civil legal services for indigents, and \$5 to support the court of appeals. However, OCA indicates that the amount of civil filing fees DADS would be required to pay is unclear based on statute and could vary from county to county. In addition, some counties could waive the fee to the state.

## Local Government Impact

For expiring orders, local authorities would incur costs to prepare applications for renewal. The number of persons requiring renewals versus transition plans is unknown, but if applications were prepared for all SSLC residents, the cost would be \$1.4 million in All Funds in fiscal year 2012, \$1.3 million in All Funds in fiscal year 2013, and between \$1.2 - \$1.0 million in All Funds in fiscal years 2014 to 2016. These costs are based on DADS' estimate of a cost of \$350 per application and LBB SSLC census estimates. It is assumed DADS would compensate MRAs for these costs. According to DADS, because local authorities already develop transition plans, should a transition plan be required upon expiration of an order, no additional costs would be incurred.

It is anticipated that probate courts would incur costs associated with the renewal hearings, but that costs would be recovered through civil filings fees. According to OCA, up to \$115 of each estimated \$170 filing fee could be retained by counties, but variation is expected among counties.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 539 Aging and Disability Services, Department of

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