

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 25, 2017

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4142 by Coleman (Relating to certain requirements of counties and other governmental entities regarding behavioral health.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State for provisions of the bill related to community collaboratives, suspension and reinstatement of eligibility for medical assistance, and others, is anticipated. However, due to the number of unknown variables, such as the number of potential grant recipients and the value of the grants, there could be an indeterminate fiscal impact to the state for provisions of the bill related to grants for family drug courts.

The bill would require the commissioners' court of each county that has not established a family drug court program under Chapter 122 of the Government Code as of September 1, 2018, to study the effect that creating a family drug court would have in that county. The bill would require the commissioners' court to request assistance from child protective services caseworkers and supervisors in conducting the study. The bill would also create the Family Drug Court Fund as a dedicated account in the General Revenue fund, which would be comprised of appropriations of money to the fund by the Legislature, and gifts, grants, and other donations received for the fund. The bill would require that funds from the account only be used to pay counties to establish and administer a family drug court.

The bill would also amend the Health and Safety Code to require the Health and Human Services Commission (HHSC), in coordination with the Texas Education Agency (TEA), to provide and update a list of recommended programs in certain areas related to mental health and substance abuse for implementation in public elementary, junior high, middle, and high schools. The bill would also require that TEA collect information on the number of teachers, principals, and counselors who have completed this training and make the information available on the agency website.

The bill would amend the Human Resource Code to suspend or terminate Medicaid eligibility for certain individuals confined in a county jail. The bill would require the Health and Human Services Commission (HHSC) to reinstate Medicaid eligibility within 48 hours after being notified if the individual's eligibility certification period is still active. The bill would permit an individual to remain eligible until the expiration of the period for which the individual was certified. The bill would require the sheriff to provide certain information regarding reinstatement of the individual's eligibility for benefits to the individual upon the individual's release. The bill would require HHSC to establish a method to allow a sheriff or county employee to determine an individual's Medicaid eligibility status. Under the provisions of the bill, a county, sheriff or an employee is not liable in a civil action for damages resulting from the failure to comply with this

section.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

The bill would take effect September 1, 2017. Based on the LBB's analysis of the Health and Human Services Commission, duties and responsibilities associated with implementing the provisions of the bill related to the adoption of rules and the suspension, termination, and reinstatement of eligibility for medical assistance for certain individuals confined in county jails could be absorbed utilizing existing resources. It is assumed the agency could absorb a small cost in fiscal year 2018 for modifications to the Texas Integrated Eligibility Redesign System (TIERS). The impact to Medicaid caseloads is assumed to be small and any costs or savings would not be significant. This analysis assumes that administrative costs related to the establishment and operation of a grant program for family drug courts can be absorbed within existing resources. However, there could be an indeterminate fiscal impact to the state depending upon the number and value of grants.

Based on the LBB's analysis of the Department of Family and Protective Services, Texas Commission on Law Enforcement, Texas Education Agency, Office of Court Administration, the Comptroller of Public Accounts, and the Texas Department of Criminal Justice, duties and responsibilities associated with implementing other provisions of the bill could be absorbed utilizing existing resources. According to the Comptroller of Public Accounts, the amounts of potential appropriations, grants, gifts, or donations to the Family Drug Court fund cannot be determined.

Local Government Impact

According to the Texas Education Agency, the administrative costs to school districts associated with the requirement to report additional training information is likely to be nominal, and according to the Office of Court Administration, the bill would have no significant fiscal impact on local courts.

This analysis assumes counties would incur costs for reimbursing the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with state travel regulations in effect at the time; however, the cost would vary from county to county. Additionally, counties could incur staff time costs related to conducting the family drug court study; however, costs could be reasonably absorbed by utilizing existing resources. Additionally, counties that submit the study to HHSC would be eligible to receive money to be used to establish and administer a family drug court. Revenue gain from the fund could have a positive indeterminate fiscal impact on counties.

According to Dallas County, the fiscal impact to the County is not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 407 Commission on Law Enforcement, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of, 696 Department of Criminal Justice, 701 Texas Education Agency

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