

Multiple Agency Fiscal Note Summary

Bill Number: 5071 S SB	Title: Civil commitment transition
-------------------------------	---

Estimated Cash Receipts

Agency Name	2021-23			2023-25			2025-27		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Washington State Health Care Authority	0	0	198,000	0	0	190,000	0	0	190,000
Total \$	0	0	198,000	0	0	190,000	0	0	190,000

Estimated Operating Expenditures

Agency Name	2021-23				2023-25				2025-27			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Health Care Authority	.3	132,000	132,000	330,000	.3	126,000	126,000	316,000	.3	126,000	126,000	316,000
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Fiscal note not available											
Total \$	0.3	132,000	132,000	330,000	0.3	126,000	126,000	316,000	0.3	126,000	126,000	316,000

Estimated Capital Budget Expenditures

Agency Name	2021-23			2023-25			2025-27		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Washington State Health Care Authority	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

Prepared by: Bryan Way, OFM	Phone: (360) 522-3976	Date Published: Preliminary 2/22/2021
------------------------------------	---------------------------------	---

Judicial Impact Fiscal Note

Bill Number: 5071 S SB	Title: Civil commitment transition	Agency: 055-Administrative Office of the Courts
-------------------------------	---	--

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

Legislative Contact: Corban Nemeth	Phone: 360-786-7736	Date: 02/12/2021
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 02/16/2021
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 02/16/2021
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/17/2021

166,002.00

Request # 5071 SSB-1

Form FN (Rev 1/00)

1

Bill # 5071 S SB

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Please see attached Judicial Impact Note (JIN).

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

NONE

III. B - Expenditure By Object or Purpose (County)

NONE

III. C - Expenditure By Object or Purpose (City)

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and dexcribe potential financing methods

NONE

Part II: Narrative Explanation

This bill would create “transition teams” to assist certain specified persons who are under civil commitment. The bill would extend certain minimum requirements for less restrictive alternative treatment to persons committed pursuant to criminal insanity laws which are established in law for other committed persons. Would modify requirements for less restrictive alternative treatment pursuant to a conditional release order.

This bill differs from SB 5071:

- Would specify that a multidisciplinary transition team appointed to supervise a person being conditionally released to a less restrictive alternative LRA following commitment under criminal insanity laws must include a representative of the community behavioral health agency providing LRA treatment.
- Would specify that the transition team for a person committed after dismissal of violent felony charges based on incompetency to stand trial must consist of a representative of the community behavioral health agency and a specially-trained community corrections officer.
- Would allow the court to omit appointing a community corrections officer if it makes a special finding that the appointment would not facilitate the success of the person, or the safety of the person and the community.
- Would direct the Department of Corrections to collaborate with DSHS to develop specialized training for community corrections officers who participate in a transition team.
- Would allow the transition team to meet according to a schedule developed by the team.
- Requires conditional release planning to start at admission and to be facilitated by state hospital liaisons.
- Would allow a court to delay holding a bail hearing at first appearance or arraignment for a person for whom a competency evaluation will be ordered if charges are pursued.
- Would apply provisions to persons who are committed for inpatient behavioral health treatment when the act comes into effect.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Minor forms impact. Court education would be required. These impacts would be managed within existing resources.

Individual State Agency Fiscal Note

Bill Number: 5071 S SB	Title: Civil commitment transition	Agency: 107-Washington State Health Care Authority
-------------------------------	---	---

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2022	FY 2023	2021-23	2023-25	2025-27
General Fund-Federal 001-2	103,000	95,000	198,000	190,000	190,000
Total \$	103,000	95,000	198,000	190,000	190,000

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.3	0.3	0.3	0.3	0.3
Account					
General Fund-State 001-1	69,000	63,000	132,000	126,000	126,000
General Fund-Federal 001-2	103,000	95,000	198,000	190,000	190,000
Total \$	172,000	158,000	330,000	316,000	316,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Corban Nemeth	Phone: 360-786-7736	Date: 02/12/2021
Agency Preparation: Ashley McEntyre	Phone: 360-725-0932	Date: 02/18/2021
Agency Approval: Christy Vaughn	Phone: 360-725-0468	Date: 02/18/2021
OFM Review: Bryan Way	Phone: (360) 522-3976	Date: 02/19/2021

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

See attached narrative.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

See attached narrative.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

See attached narrative.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	69,000	63,000	132,000	126,000	126,000
001-2	General Fund	Federal	103,000	95,000	198,000	190,000	190,000
Total \$			172,000	158,000	330,000	316,000	316,000

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.3	0.3	0.3	0.3	0.3
A-Salaries and Wages	20,000	20,000	40,000	40,000	40,000
B-Employee Benefits	16,000	16,000	32,000	32,000	32,000
C-Professional Service Contracts					
E-Goods and Other Services	3,000	3,000	6,000	6,000	6,000
G-Travel	1,000	1,000	2,000	2,000	2,000
J-Capital Outlays	14,000		14,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	118,000	118,000	236,000	236,000	236,000
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	172,000	158,000	330,000	316,000	316,000

III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
Medical Assistance Program Specialist 3	80,292	0.3	0.3	0.3	0.3	0.3
Total FTEs		0.3	0.3	0.3	0.3	0.3

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

See attached narrative.

Part V: New Rule Making Required

HCA Fiscal Note

Bill Number: 5071 S SB

HCA Request #: 21-79

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

This bill differs from the previous version by amending RCW 10.77.150, RCW 71.05.320, RCW 10.77.060, RCW 70.02.230, RCW 70.02.240, RCW 71.05.035, and adding a new section to RCW 10.77.

Section 1 amends RCW 10.77.150 to change the term “transition team” to “multidisciplinary transition team”, and specifies that a multidisciplinary transition team appointed to must include a representative of the community behavioral health agency providing less restrictive alternative (LRA) treatment. The court is allowed to omit appointing a representative of the community behavioral health agency if the order does not require participation in behavioral health treatment; and the court is allowed to omit appointing a community corrections officer (CCO) if it makes a special finding that the appointment would not facilitate the success of the person, or the safety of the person and the community. Reporting requirements are changed from the CCO to any designated member of the team. Reporting requirements to the court about noncompliance are changed from the responsibility of the CCO to either the CCO or a designated member of the team. Reporting requirements include the court as well as prosecutor and defense council. The amendment defines the role of the team, allows the team to develop a monitoring plan that can be carried out by any member of the team, and allows the team to meet according to their own developed schedule and communicate as needs arise. Department of Corrections (DOC) is directed to collaborate with the Department of Social and Health Services (DSHS) to develop specialized training for CCOs who participate in a transition team; the lack of a trained CCO must not be the cause of delay to entry of a conditional release order, and another CCO may be appointed if no specially trained officer is available. The amendment allows a person to apply for conditional release earlier than six months from the date of a previous denial for conditional release, if the application is supported by DSHS.

Sections 2 and 3 amend RCW 71.05.320 to specify that the multidisciplinary transition team appointed must consist of a representative of the community behavioral health agency and specially trained CCO. The court is allowed to omit appointing a CCO if it makes a special finding that the appointment would not facilitate the success of the person, or the safety of the person and community. The role of transition team is defined and allows the team to develop a monitoring plan that can be carried out by any member of the team, and meet according to their own developed schedule and communicate as need arises. DOC is directed to collaborate with DSHS to develop specialized training for CCOs who participate in a transition team; the lack of a trained CCO must not be the cause of delay to entry of a conditional release order and another CCO may be appointed if no specially trained officer is available.

Section 4 adds a new section to RCW 10.77 regarding conditional release planning and requirements of LRA treatment pursuant to the conditional release order. The conditional release planning should start at admission and be coordinated between DSHS and the BHASOs or MCOs. A new section is added, which duplicates the requirements for LRA treatment pursuant to a conditional release order with the addition of the appointment of a transition team and notification to that transition team about non-compliance. The term “care coordinator” is clarified as a clinical practitioner “within the community behavioral health agency providing less restrictive alternative treatment.”

Section 5 amends RCW 10.77.060 to include that the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court.

Section 6 amends RCW 70.02.230 to change the term “court ordered involuntary outpatient behavioral health treatment” to “less restrictive treatment”.

HCA Fiscal Note

Bill Number: 5071 S SB

HCA Request #: 21-79

Section 7 amends RCW 70.02.240 to change the term “court ordered outpatient behavioral health treatment” to “less restrictive treatment”.

Section 8 amends RCW 71.05.035 to change the term “court ordered involuntary outpatient behavioral health treatment” to “less restrictive treatment”.

Section 9 is new and clarifies to whom the provisions of this act apply.

Section 10 and 11 are new and define effective and expiration dates.

This bill outlines the creation of transition teams to assist specified persons under civil commitment.

Section 1(a) amends RCW 10.77.150 to make changes from the court’s discretions to a requirement that all conditional release orders must include supervision by a specially trained community corrections officer through Department of Corrections and that the person complies with conditions of that supervision.

Section 1(b) is amended directing that if the court requires the person to participate in behavioral health treatment, the bill states it must be through a licensed or certified behavioral health agency. The services will be in accordance to RCW 71.05.585 (for court ordered involuntary outpatient behavioral health treatment), that agency must be named on the order, and the person must cooperate with the services planned by that agency. The agency must also comply with reporting requirements and must report failure of the person to report for medication or treatment to the court, prosecuting attorney of the court of commitment, the secretary, and to the community corrections officer (CCO).

Section 1(c) is added creating the appointment of a transition team to assist the person consisting of a care coordinator, a representative of the department of social and health services, and the person's supervising CCO.

Sections 2 and 3 amend RCW 71.05.320, in regard to a person’s order to less restrictive alternative treatment who had originally been detained from the forensic system after a finding of incompetence and the underlying charge was a violent felony RCW 71.05.280 (3)(b). In these cases, there is a requirement to appoint a transition team to assist the person consisting of a care coordinator, a representative of the department of social and health services (DSHS), and the person's supervising CCO.

Transition teams may also include additional representatives who provide behavioral treatment funding/housing, as invited. A transition team will have a minimum of the duties as previously stated under RCW 71.05.585 for Less Restrictive Alternatives.

The Less Restrictive Alternatives and Conditional Release orders would be monitored under the same program.

II. B - Cash Receipts Impact

HCA assumes the fiscal impacts associated with this bill would be eligible for Federal Financial Participation (FFP). HCA estimates an average FFP of 60 percent based upon the current blended FFP for Medicaid eligible services delivered to clients enrolled in the Integrated Managed Care programs and the additional HCA administrative expenses.

HCA Fiscal Note

Bill Number: 5071 S SB

HCA Request #: 21-79

Cash Receipts			FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
FundNumber	FundDesc	FundType	FY1	FY2	FY3	FY4	FY5	FY6
001	GF-Federal Medicaid Title XIX	C	103,000	95,000	95,000	95,000	95,000	95,000
Total			103,000	95,000	95,000	95,000	95,000	95,000
Biennial total				198,000		190,000		190,000

II. C – Expenditures

The Health Care Authority requests an increase for the costs of the Administrative Service Organizations (ASOs). This increase is to contract with a provider to provide the care coordination and monitoring as required in sections 1(b) and 1(c) of the bill. HCA estimates that each region would need an additional \$11,000 per staff member and \$800 for travel and ancillary expenses, totaling \$118,000 (\$47,200 G-FS) per year for the services provided by ASOs including services billed to the Managed Care Organizations (MCOs) for Medicaid clients enrolled in the Integrated Managed Care programs.

The Division of Behavioral Health and Recovery requests an additional .25 FTE program manager (Medical Assistance Specialist 3) and \$49,000 per fiscal year for development of policies and procedures, management of the program and to ensure compliance.

Additional program costs for policy development and training would be \$5,000.

By Fund:

Expenditures			FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
FundNumber	FundDesc	FundType	FY1	FY2	FY3	FY4	FY5	FY6
001	GF-State	1	69,000	63,000	63,000	63,000	63,000	63,000
001	GF-Federal Medicaid Title XIX	C	103,000	95,000	95,000	95,000	95,000	95,000
Total			172,000	158,000	158,000	158,000	158,000	158,000
Biennial Total				330,000		316,000		316,000

By Object:

Objects		FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
A	Salaries & Wages	20,000	20,000	20,000	20,000	20,000	20,000
B	Employee Benefits	16,000	16,000	16,000	16,000	16,000	16,000
E	Goods and Services	3,000	3,000	3,000	3,000	3,000	3,000
G	Travel	1,000	1,000	1,000	1,000	1,000	1,000
J	Capital Outlays	14,000	-	-	-	-	-
N	Grants, Benefits Services	118,000	118,000	118,000	118,000	118,000	118,000
Total		172,000	158,000	158,000	158,000	158,000	158,000

By FTE:

Job title	Salary	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
MEDICAL ASSISTANCE PROGRAM SPECIALIST 3	80,292	0.3	0.3	0.3	0.3	0.3	0.3
Total	80,292	0.3	0.3	0.3	0.3	0.3	0.3

Part IV: Capital Budget Impact

None

HCA Fiscal Note

Bill Number: 5071 S SB

HCA Request #: 21-79

Part V: New Rule Making Required

None

Individual State Agency Fiscal Note

Bill Number: 5071 S SB	Title: Civil commitment transition	Agency: 300-Department of Social and Health Services
-------------------------------	---	---

Part I: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Corban Nemeth	Phone: 360-786-7736	Date: 02/12/2021
Agency Preparation: Sara Corbin	Phone: 360-902-8194	Date: 02/19/2021
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/19/2021
OFM Review: Bryan Way	Phone: (360) 522-3976	Date: 02/22/2021

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

No fiscal impact to the Department of Social and Health Services (DSHS), Behavioral Health Administration (BHA), as the changes in this legislation align with current community discharge oversight operations. Section 1(3)(c) and (4)(a) of the bill requires a representative of DSHS to participate on a transition team for the person under civil commitment under 71.05.280 (3)(b) and those Not Guilty By Reason of Insanity under 10.77. For the purpose of this fiscal note, the department estimates the staff costs to be minimal. The staff-time to perform duties will be accomplished by existing staff within their existing workload, therefore, no fiscal impact.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

None

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

None

Part V: New Rule Making Required