

Multiple Agency Fiscal Note Summary

Bill Number: 1877 HB	Title: Behavioral health/tribes
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Washington State Health Care Authority	Fiscal note not available											
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	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	Fiscal note not available								
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Gaius Horton, OFM	Phone: (360) 819-3112	Date Published: Preliminary 1/31/2024
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Judicial Impact Fiscal Note

Bill Number: 1877 HB	Title: Behavioral health/tribes	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

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 for 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: Edie Adams	Phone: 360-786-7180	Date: 01/18/2024
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/29/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/29/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/30/2024

192,487.00

Request # 113-1

Part II: Narrative Explanation

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

The bill would add sections and amend multiple sections of statute to ensure that, at any stage of a proceeding brought under the Involuntary Treatment Act, when the respondent is a tribal member, that the tribe is thoroughly notified and involved in the proceedings.

Section 1(3) would require the Administrative Office of the Courts (AOC) to develop and update model forms as needed for use by designated crisis responders by December 1, 2024. Superior courts must allow designated crisis responders to use those forms after January 1, 2025.

Section 9 and 10 would add the petitioner as a potential party to notify the tribe and Indian health care provider if proceedings under RCW 71.05.148 are initiated no later than 24 hours after respondent or their guardian is served. The bill would mandate that copies of all documents filed must be provided by the clerk to the petitioner or to the behavioral health administrative services organization to provide to the tribe and Indian health care provider.

Sections 23, 24, 26, 27 would add that the tribe and Indian health care provider must be notified of any decision to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order for a respondent who is a tribal member prior to any action being taken. Clerks must provide copies of any court orders necessary to provide the notice.

II. B - Cash Receipts Impact

None

II. C - Expenditures

The bill would have minimal or no impact to the Administrative Office of the Courts and indeterminate, but likely minimal impact to the courts.

The Administrative Office of the Courts would have to update forms and publications which would be a minimal impact.

The impact to courts for clerks being required to provide documents is indeterminate and likely minimal. AOC does not have data to determine the Involuntary Treatment Act caseload that involves tribal members. There are six different cause codes used in superior court for mental illness case types. The total number of filings per year for all those cause codes average approximately 15,000 cases per year. While that is a substantial number of cases in total, there is no way to know how many of those cases would involve tribal members.

Part III: Expenditure Detail

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

Non-zero but indeterminate cost and/or savings. Please see discussion.

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

Non-zero but indeterminate cost and/or savings. Please see discussion.

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

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

192,487.00

Form FN (Rev 1/00)

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Request # 113-1

Bill # 1877 HB

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

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

None

Individual State Agency Fiscal Note

Bill Number: 1877 HB	Title: Behavioral health/tribes	Agency: 300-Department of Social and Health Services
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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: Edie Adams	Phone: 360-786-7180	Date: 01/18/2024
Agency Preparation: Sara Corbin	Phone: 360-902-8194	Date: 01/25/2024
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 01/25/2024
OFM Review: Arnel Blancas	Phone: (360) 000-0000	Date: 01/27/2024

Part II: Narrative Explanation

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

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

HB 1877 has no fiscal impact to the Department of Social and Health Services (DSHS). Staff-time to update policies and procedures to ensure tribes are contacted prior to court hearings regarding civil detentions will be accomplished by existing staff within their normal workload, therefore, no fiscal impact for this work.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished 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: *FTEs listed by classification and corresponding annual compensation. Totals 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

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

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

NONE

None

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1877 HB

Title: Behavioral health/tribes

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:
- Counties: Cost increase due to required communication with tribes and Indian health care providers; Cost to behavioral health administrative services organizations (BHASOs) for ensuring their contractors comply with the tribal crisis coordination plan agreed
- Special Districts: Cost increase due to required communication with tribes and Indian health care providers; Cost to BHASOs for ensuring their contractors comply with the tribal crisis coordination plan agreed
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Cost increase due to required communication with tribes and Indian health care providers; Cost to BHASOs for ensuring their contractors comply with the tribal crisis coordination plan agreed

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Brandon Rountree	Phone: (360) 999-7103	Date: 01/25/2024
Leg. Committee Contact: Edie Adams	Phone: 360-786-7180	Date: 01/18/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/25/2024
OFM Review: Arnel Blancas	Phone: (360) 000-0000	Date: 01/29/2024

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

Sections 5 and 6 amend RCW 71.05.020 and RCW 71.05.020 respectively. "Behavioral health service provider" can include an entity with a tribal attestation that it meets minimum standards or a licensed or certified behavioral health agency as defined in RCW 71.24.025.

Sections 9 and 10 amend RCW 71.05.148 RCW 71.34.815 respectively. Notification for a petition for outpatient treatment shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible, but before the hearing and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The notice to the tribe or Indian health care provider must include a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene. The court clerk shall provide copies of any court orders necessary for the petitioner or the behavioral health administrative services organization to provide notice to the tribe or Indian health care provider under this section.

Sections 11, 12, 13, and 14 amend RCW 71.05.150, RCW 71.05.150, RCW 71.34.710 and RCW 71.34.710 respectively. A designated crisis responder shall notify the tribe and Indian health care provider whether or not a petition for initial detention or involuntary outpatient treatment will be filed as soon as possible, but no later than three hours from the time the decision is made. If a petition for initial detention or involuntary outpatient treatment is filed, the designated crisis responder must provide the tribe and Indian health care provider with a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene as soon as possible, but before the hearing, and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The court clerk shall provide copies of any court orders necessary for the designated crisis responder to provide notice to the tribe or Indian health care provider under this section.

Sec. 15 amends RCW 71.05.195. A civil commitment may be initiated by a tribe.

Sections 23, 24, 26, and 27 amend RCW 71.05.590, RCW 71.05.590, RCW 71.34.780 and RCW 71.34.780 respectively. Prior to taking any action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order in which the agency, facility, or designated crisis responder knows that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the agency, facility, or designated crisis responder shall notify the tribe and Indian health care provider as soon as possible, but no later than three hours from the time the decision to take action is made. The agency, facility, or designated crisis responder must provide the tribe and Indian health care provider with a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene as soon as possible, but before any hearing under this section, and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The court clerk shall provide copies of any court orders necessary for the agency, facility, or designated crisis responder to provide notice to the tribe or Indian health care provider under this section.

Sec. 30 amends RCW 71.24.045. The behavioral health administrative services organization shall comply and ensure their contractors comply with the tribal crisis coordination plan agreed upon by the authority and tribes for coordination of crisis services, care coordination, and discharge and transition planning with tribes and Indian health care providers applicable to their regional service area.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

This legislation would have an indeterminate expenditure impact on local governments.

The number of individuals that are American Indian or Alaska Native who received medical or behavioral health services

from a tribe within this state, the agency, facility, or designated crisis responder is unknown. As a result, an estimate of the demand for BHASOs to provide tribes and Indian health care providers with notice cannot be made.

There are 140,714 Native citizens in Washington alone, but some evidence available within existing data suggest that American Indian and Alaska Native adults and youth suffer a disproportionate burden of mental health problems compared with other Americans. However, this disproportionate demand for behavioral health services is largely served by tribally operated mental health programs and alcohol and substance abuse programs.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

This bill would not impact local government revenues.

SOURCES:

"Indigenous Tribes of Seattle and Washington", American Library Association, November 19, 2018

Gone, J. P., & Trimble, J. E. (2012). American Indian and Alaska Native mental health: diverse perspectives on enduring disparities.

Indian Health Service Fact Sheet (2023)