

Multiple Agency Fiscal Note Summary

Bill Number: 5588 S SB AMH APP H3442.1	Title: Mental health sentencing alt
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Washington State Health Care Authority	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Health Care Authority	.0	103,000	103,000	103,000	.0	206,000	206,000	206,000	.0	206,000	206,000	206,000
Washington State Health Care Authority	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	0.0	103,000	103,000	103,000	0.0	206,000	206,000	206,000	0.0	206,000	206,000	206,000

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
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
Caseload Forecast Council	.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	.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	No fiscal impact								
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: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Final 3/ 7/2024
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Judicial Impact Fiscal Note

Bill Number: 5588 S SB AMH APP H3442.1	Title: Mental health sentencing alt	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:

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 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: Andy Toulon	Phone: 360-786-7178	Date: 02/29/2024
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 03/05/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 03/05/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/06/2024

195,844.00

Request # 256-1

Part II: Narrative Explanation

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

This striker bill retains the same court impacts as the original bill but adds no more.

This bill would amend RCW 9.94.695 relating to mental health sentencing alternative.

II. B - Cash Receipts Impact

None

II. C - Expenditures

There is minimal fiscal impact to the Administrative Office of the Courts for updating the Mental Health Sentencing Alternative Judgment and Sentence form and there is no impact to the courts.

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

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

NONE

None

195,844.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Bill Number: 5588 S SB AMH APP H3442.1	Title: Mental health sentencing alt	Agency: 101-Caseload Forecast Council
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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: Andy Toulon	Phone: 360-786-7178	Date: 02/29/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 03/04/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 03/04/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 03/07/2024

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.

See attached.

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.

See attached.

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

Part V: New Rule Making Required

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

SSB 5588 H-3442.1
RELATING TO THE MENTAL HEALTH SENTENCING
ALTERNATIVE
101 – Caseload Forecast Council
March 1, 2024

SUMMARY

A brief description of what the measure does that has fiscal impact.

- Section 1 Amends RCW 9.94A.695, the Mental Health Sentencing Alternative (MHSA), by allowing the court and correctional facility to delay a defendant participating in MHSA release from total confinement in order to facilitate adherence to the defendant’s treatment plan and allows the court to waive the requirement of a written progress report prior to a progress hearing.
- Section 1 Additionally requires the Health Care Authority (HCA) to contract specified entities to directly reimburse behavioral health providers for conducting in-custody mental health assessments, preliminary treatment plan development, and monitoring the individual’s compliance with the sentencing alternative.
- Section 2 Adds a new section to chapter 71.24 RCW requiring HCA, beginning January 1, 2025, to require that any contract with a managed care organization to include prioritization for existing care coordination responsibilities and same-day prescription access for incarcerated individuals who are recommended for the MHSA.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

This bill:

- Amends requirements for the MHSA.

Impact on prison and jail beds.

This bill amends requirements under MHSA. Under the alternative, the court waives the term of confinement and imposes community custody of 12-24 months or 12-36, depending on the midpoint of the standard range sentence.

The Caseload Forecast Council (CFC) has no information if the provisions of the bill will result in increased usage of the alternative. If more MHSA sentences are imposed, it may result in decreased need for jail and prison beds.

Impact on local and Juvenile Rehabilitation (JR) beds.

This bill has no impact on local detention or JR beds.

Impact on Supervision Caseload.

While CFC has no information to know if more MHSA sentences would be imposed under the provisions of the bill, any additional MHSA sentences would result in an increased need for DOC community supervision resources.

Individual State Agency Fiscal Note

Bill Number: 5588 S SB AMH APP H3442.1	Title: Mental health sentencing alt	Agency: 107-Washington State Health Care Authority
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

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

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
Account					
General Fund-State 001-1	0	103,000	103,000	206,000	206,000
Total \$	0	103,000	103,000	206,000	206,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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: Andy Toulon	Phone: 360-786-7178	Date: 02/29/2024
Agency Preparation: Cari Tikka	Phone: 360-725-1181	Date: 03/04/2024
Agency Approval: Cliff Hicks	Phone: 360-725-0875	Date: 03/04/2024
OFM Review: Arnel Blancas	Phone: (360) 000-0000	Date: 03/04/2024

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.

Indeterminate fiscal impact, Please see attached.

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.

No cash receipts.

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.

Please see attached.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	103,000	103,000	206,000	206,000
Total \$			0	103,000	103,000	206,000	206,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services		103,000	103,000	206,000	206,000
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	103,000	103,000	206,000	206,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Community Behavioral Health (150)		103,000	103,000	206,000	206,000
Total \$		103,000	103,000	206,000	206,000

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

Part V: New Rule Making Required

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

HCA Fiscal Note

Bill Number: **5588 SSB AMH APP H3442.1**

HCA Request #: 24-186

Title: **Mental Health Sentencing Alternative**

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

None.

Estimated Operating Expenditures from:

	FY-2024	FY-2025	FY-2026	FY-2027	FY-2028	FY-2029	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
ACCOUNT									
General Fund-State 001-1	-	103,000	103,000	103,000	103,000	103,000	103,000	206,000	206,000
ACCOUNT - TOTAL \$	\$ -	\$ 103,000	\$ 103,000	\$ 103,000	\$ 103,000	\$ 103,000	\$ 103,000	\$ 206,000	\$ 206,000

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.

HCA Fiscal Note

Bill Number: **5588 SSB AMH APP H3442.1**

HCA Request #: 24-186

Title: **Mental Health Sentencing Alternative**

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.

AN ACT Relating to the mental health sentencing alternative; and amending RCW 9.94A.695 - Mental Health Sentencing Alternative.

As compared to the AMH CSJR LANG 070 amendment, this striker amendment removes all the provisions of the underlying bill and instead:

- Requires the Health Care Authority (HCA) to contract with a behavioral health agency, or an organization whose membership includes behavioral health agencies, to directly reimburse behavioral health providers for certain services for individuals participating in the sentencing alternative rather than reimbursing behavioral health providers directly.
- Reimbursements to the behavioral health providers are not to exceed \$1,000 per individual participating in the sentencing alternative.

Section 1(13) -

- a) Requires HCA to contract with a behavioral health agency, or an organization whose membership includes behavioral health agencies, to directly reimburse behavioral health providers for the following services for individuals participating in the sentencing alternative to directly:
 - i) In-custody mental health assessment; and
 - ii) In-custody preliminary treatment plan development; and
 - iii) Ongoing monitoring of the defendant's adherence to the defendant's treatment plan and the requirements of the sentencing alternative, including reporting to the court and the department.
- b) A behavioral health provider may be reimbursed for the services provided under this subsection in an amount not to exceed \$1,000 for each individual participating in the sentencing alternative.

New Section 2 requires any contract with a managed care organization (MCO) include a requirement that the MCO prioritize existing care coordination responsibilities, including in-custody mental health evaluations, treatment plan development, and same-day prescription access, for incarcerated individuals who are recommended for the mental health sentencing alternative (MHSA) under RCW 9.94A.695.

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. Distinguish between one time and ongoing functions.

None.

HCA Fiscal Note

Bill Number: **5588 SSB AMH APP H3442.1**

HCA Request #: 24-186

Title: **Mental Health Sentencing Alternative**

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. Distinguish between one time and ongoing functions.

This bill requires HCA contract with a behavioral health agency, or an organization whose membership includes behavioral health agencies, to directly reimburse behavioral health providers for the following services for individuals participating in the sentencing alternative to directly:

- i) In-custody mental health assessment; and
- ii) In-custody preliminary treatment plan development; and
- iii) Ongoing monitoring of the defendant's adherence to the defendant's treatment plan and the requirements of the sentencing alternative, including reporting to the court and the department.

A behavioral health provider may be reimbursed for the services provided under this subsection in an amount not to exceed \$1,000 for each individual participating in the sentencing alternative.

Beginning January 1, 2025, HCA must require that any contract with a Managed Care Organization (MCO) include a requirement that the MCO prioritize existing care coordination responsibilities, including in-custody mental health evaluations, treatment plan development, and same-day prescription access for incarcerated individuals who are recommended for the sentencing alternative.

The Caseload Forecast Council indicates there were 202 sentences, for 149 individuals participating in the MHSA program in fiscal year 2023. The table below reflects the counties with the highest rate of MHSA participation, Clark, Cowlitz, King, Pierce, Thurston, and Spokane having the highest utilization serving 58 Individuals.

Table of MHSA from FY2023 (Source: Caseload Forecast Council)

County	Count of individuals
Adams	1
Asotin	4
Clark	12
Columbia	1
Cowlitz	13
Garfield	2
Grant	3
Grays Harbor	2
Island	1
Jefferson	1
King	13
Lewis	5
Mason	2
Pacific	1
Pierce	9
Skamania	2
Snohomish	4
Spokane	58
Thurston	8
Walla Walla	1
Whatcom	2
Whitman	4
Yakima	1
Total	150

HCA Fiscal Note

Bill Number: **5588 SSB AMH APP H3442.1**

HCA Request #: 24-186

Title: **Mental Health Sentencing Alternative**

The BH-ASOs are currently supporting Jail transition programming in 34 jails across the State and are well situated, with their contractors, to meet the needs of this expansion for MHSA. HCA estimates costs based on a population of 150 individuals.

Annual Costs are as follows:

Evaluation and Treatment Plan Costs:

Intake Appointments: 150 clients x 1 per client x \$200 per intake = **\$30,000 GF-State.**

Treatment Plan Appointment: 150 clients x 2 per client x \$200 per appointment = **\$60,000 GF-State.**

Total Evaluation and Treatment Plan Costs: \$30,000 + \$60,000= \$90,000 GF-State

BHASO Admin Costs: **\$9,000 GF-State**

BHASO Direct Service Support: **\$4,000 GF-State**

Total Annual Costs: \$90,000 + \$9,000 + \$4,000 = \$103,000 GF-State per year.

Managed Care Contracts

New Section 2 striker requirement that the managed care organization prioritize existing care coordination responsibilities for incarcerated individuals who are recommended for MHSA aligns with the current MCO contract language. HCA has continued to monitor MCO performance in this area and has held plans accountable for non-compliance including issuing Corrective Action Plans. HCA believes these measures coupled with the additional re-entry work currently being implemented will ensure clients are provided with access to these necessary services.

Managed care costs are indeterminate. The services to be provided within the scope of the MHSA are likely already covered under the enrollees current benefits. We believe that the costs will be very small, as the package of services for the MHSA is around \$10,000 per person per year. The expectation is that there will be a small or marginal impact to the rates in each of the regions, which depends on where the individual resides, which cannot be estimated at this time.

Part III: Expenditure Detail

III. A - Operating Budget Expenditure

	FY-2024	FY-2025	FY-2026	FY-2027	FY-2028	FY-2029	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
ACCOUNT									
General Fund-State 001-1	-	103,000	103,000	103,000	103,000	103,000	103,000	206,000	206,000
ACCOUNT - TOTAL \$	\$ -	\$ 103,000	\$ 103,000	\$ 103,000	\$ 103,000	\$ 103,000	\$ 103,000	\$ 206,000	\$ 206,000

III. B - Expenditures by Object Or Purpose

OBJECT	OBJECT TITLE	FY-2024	FY-2025	FY-2026	FY-2027	FY-2028	FY-2029	2023-25	2025-27	2027-29
N	Grants, Benefits & Client Services	-	103,000	103,000	103,000	103,000	103,000	103,000	206,000	206,000
	OBJECT - TOTAL \$	\$ -	\$ 103,000	\$ 103,000	\$ 103,000	\$ 103,000	\$ 103,000	\$ 103,000	\$ 206,000	\$ 206,000

HCA Fiscal Note

Bill Number: **5588 SSB AMH APP H3442.1**

HCA Request #: 24-186

Title: **Mental Health Sentencing Alternative**

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)

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

Part V: New Rule Making Required

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

NONE

Individual State Agency Fiscal Note

Bill Number: 5588 S SB AMH APP H3442.1	Title: Mental health sentencing alt	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: Andy Toulon	Phone: 360-786-7178	Date: 02/29/2024
Agency Preparation: Sara Corbin	Phone: 360-902-8194	Date: 03/04/2024
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 03/04/2024
OFM Review: Arnel Blancas	Phone: (360) 000-0000	Date: 03/04/2024

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.

Passage of this legislation will not impact the Department of Social and Health Services (DSHS) workload or client benefits. Therefore, there is no fiscal impact to DSHS from this bill. 5588 S SB AMH APP H3442.1 amends several sections in 9.94A.695 RCW to allow the court or correctional facility an ability to delay the defendant's release from total confinement in order to facilitate adherence to the defendant's treatment plan; allows courts to waive a requirement for the Department of Corrections (DOC) and the treatment provider to provide written reports before a progress hearing; and requires the Health Care Authority (HCA) to directly reimburse behavioral health providers for conducting in-custody evaluations, developing treatment plans, and monitoring the individual's compliance with the sentencing alternative.

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.

Individual State Agency Fiscal Note

Bill Number: 5588 S SB AMH APP H3442.1	Title: Mental health sentencing alt	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

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

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: Andy Toulon	Phone: 360-786-7178	Date: 02/29/2024
Agency Preparation: Scherry Sinclair	Phone: (360) 725-8428	Date: 03/04/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 03/04/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 03/07/2024

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.

This bill is an act that intends to address the challenges in coordination and communication related to the health of individuals housed in confinement settings. The bill recognizes the importance of mental health in correctional institutions and other confinement settings for public health and reentry.

SSB 5588 H-3442.1 1(13)(a) is amended requiring the Health Care Authority (HCA) to contract with behavioral health agencies to directly reimburse behavioral health providers for: mental health assessments; mental diagnosed treatment plan development; ongoing monitoring of adherence to the treatment plan including reporting to the court and the department.

Section 1(13)(b) states that contracted behavioral health providers may only be reimbursed for services up to \$1,000, for each individual participating in the sentencing alternative for services provided under this subsection.

The following remains the same:

1(1)(6) amends RCW 9.94A.695, the Mental Health Sentencing Alternative (MHSA) by allowing the court and correctional facility to delay a defendant's release from total confinement in order to facilitate adherence to the defendant's treatment plan. This may include allowing a defendant to transfer directly to an inpatient treatment facility or supportive housing provider; ensuring appropriate transportation is established and available; or releasing the defendant during business hours on a weekday when services are available.

Section 1(13) additionally requires the Health Care Authority (HCA) to directly reimburse behavioral health providers for conducting in-custody evaluations and developing treatment plans, and for monitoring the individual's compliance with the sentencing alternative.

Section 1(14) adds that behavioral health provider has the same meaning as in RCW 71.24.025.

Section 2 adds a new section to chapter 71.24 RCW requiring HCA, beginning January 1, 2025, to require that any contract with a Managed Care Organization (MCO) to include prioritization for incarcerated individuals who are recommended for MHSA.

Effective date is assumed 90 days after adjournment of the session in which this bill is passed unless stated otherwise.

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.

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.

The fiscal impact of this bill is indeterminate, assumed to be less than \$50,000 per fiscal year.

This bill amends requirements under MHSA. Under the alternative, the court waives the term of confinement and imposes community custody of 12-24 months or 12-36, depending on the midpoint of the standard range sentence.

The Caseload Forecast Council (CFC) has no information if the provisions of the bill will result in increased usage of the alternative. If more MHSA sentences are imposed, it may result in decreased need for jail and prison beds.

Additional expenses of appropriate transportation will be absorbed within current resources. DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

While CFC has no information to know if more MHSA sentences would be imposed under the provisions of the bill, any additional MHSA sentences would result in an increased need for DOC community supervision resources.

ASSUMPTIONS

1. The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
2. For illustration purposes only, the average annual Community Supervision caseload model is \$6,101 per ADP (not including startup costs), regardless of the supervised risk level based on the workload model. If ADP impacts are applicable to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records, and Training, that are directly affected by supervision population changes. The estimate will vary based on the risk level of the supervised individuals, which requires different staffing levels. The population trend data used is based on the Risk Level Classification tool and provides a risk level of 42.8% high violent, 27.3% high non-violent, 21% moderate, 7.9% low, and 1.0% unclassified. (June – November 2017)
3. The DOC assumes that any increase in community supervision caseload will result in an increased need for violator beds. For illustration, the FY2023 average percentage of supervised individuals who served jail time and were billed by the local jurisdictions for violating their conditions of supervision was a rate of 2.0%. The current average daily cost for jail beds is \$114.43 per day, inclusive of all risk levels and healthcare costs. The rate is an average, and actual rates vary by local correctional facilities.

We assume additional impacts will result when ADP caseload changes in either prison or community and resources will be necessary. The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

III. B - Expenditures by Object Or Purpose

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

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

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: 5588 S SB AMH APP H3442.1	Title: Mental health sentencing alt
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Part I: Jurisdiction

Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:
- Counties: Indeterminate expenditure impact on jails, prosecutors and public defenders as a result of changes in usage of mental health sentencing alternative
- Special Districts:
- 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: Whether proposed legislation would affect number of people seeking mental health sentencing alternative, and what the magnitude of this change might be

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: James Vogl	Phone: 360-480-9429	Date: 03/07/2024
Leg. Committee Contact: Andy Toulon	Phone: 360-786-7178	Date: 02/29/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 03/07/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 03/07/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

Section 1 of the proposed legislation would amend RCW 9.94A.695, specifying that for a defendant participating in the mental health sentencing alternative under this section, the court and correctional facility may delay the defendant's release from total confinement in order to facilitate adherence to the defendant's treatment plan. The amendments in this section would also allow courts to waive the requirement that the Department of Corrections and a person's treatment provider each submit a treatment report before any progress hearing for a person participating in the mental health sentencing alternative. Finally, the amendments in this section would require the Washington Health Care Authority (HCA) to contract with a behavioral health agency, or an organization whose membership includes behavioral health agencies, in order to directly reimburse behavioral health providers for certain services related to the mental health sentencing alternative, up to \$1,000 per person participating in the sentencing alternative.

Section 2 would add a new section to chapter 71.24 RCW, requiring that beginning January 1, 2025, HCA must ensure that any contract with a managed care organization includes a requirement that the managed care organization prioritize existing care coordination responsibilities for incarcerated people who are recommended for the mental health sentencing alternative under RCW 9.94A.695.

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.

The proposed legislation would have an indeterminate impact on local government expenditures.

According to the Washington State Caseload Forecast Council fiscal note for this bill, the council has no information to predict whether the provisions of the bill would result in increased usage of the mental health sentencing alternative. If usage of this sentencing alternative does increase, there may be a decrease in demand for both jail and prison beds, and a resulting decrease in local government expenditures. It is unknown, however, if and how usage of the mental health sentencing alternative may change as a result of the provisions of the proposed legislation, so the impact on local government jail expenditures is indeterminate.

The 2024 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost to occupy a jail bed is \$145.

If there were an increase in usage of the mental health sentencing alternative, prosecutors and public defenders could incur additional costs as a result of the increased complexity of these cases, additional hearings and the involvement of victims. The Washington Association of Prosecuting Attorneys indicates that while the changes in the proposed legislation may likely make it easier for people to get treatment plans, it is unable to predict whether this may lead to an increase in the number of people who seek the mental health sentencing alternative. Since it is unknown if and how usage of the mental health sentencing alternative may change as a result of the provisions of the proposed legislation, and how much additional attorney time a given case with this sentencing alternative may require, the magnitude of any local government expenditure impact is indeterminate.

The 2024 Local Government Fiscal Note Program Unit Cost Model estimates that the average hourly salary plus benefits and overhead for a county prosecuting attorney is \$117.

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.

The proposed legislation would have no impact on local government revenues.

SOURCES:

Local government fiscal note for 2SSB 5293, 2021

Local Government Fiscal Note Program Criminal Justice Cost Model, 2024

Local Government Fiscal Note Program Unit Cost Model, 2024

Washington Association of Prosecuting Attorneys

Washington State Caseload Forecast Council