



Legislative Council Staff

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Fiscal Note

Drafting Number:	LLS 23-0055	Date:	February 1, 2023
Prime Sponsors:	Rep. Michaelson Jenet Sen. Cutter	Bill Status:	House Public & Behavioral Health Kristine McLaughlin 303-866-4776
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Bill Topic: SCHOOL MENTAL HEALTH ASSESSMENT

Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> School District
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires the Colorado Department of Public Health and Environment to administer a mental health screening program available to public schools serving grades 6 through 12. The bill increases state expenditures on an ongoing basis starting in FY 2023-24.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of \$475,278 to the Colorado Department of Public Health and Environment.

Fiscal Note Status: The fiscal note reflects the introduced bill.

**Table 1
State Fiscal Impacts Under HB 23-1003**

		Budget Year FY 2023-24	Out Year FY 2024-25
Revenue		-	-
Expenditures	General Fund	\$475,278	\$16,965,736
	Centrally Appropriated	\$36,294	\$73,292
	Total Expenditures	\$511,572	\$17,039,028
	Total FTE	2.0 FTE	4.0 FTE
Transfers		-	-
Other Budget Impacts	General Fund Reserve	\$71,292	\$2,544,860

Summary of Legislation

The bill requires the Colorado Department of Public Health and Environment (CDPHE) to administer a mental health screening program available to all public schools that serve any of the grades 6 through 12. CDPHE is required to select a qualified provider to conduct the screenings through a competitive process.

Provider requirements. The provider selected by CDPHE is required to conduct the screenings for all participating schools. Based on the outcome of the screening, the provider is required to:

- notify the school if a student is in need of immediate attention from a mental health professional;
- notify the parents (pending the student's consent if 12 or over) if a student is suffering from a mental health concern and is in need of services and provide information on the I Matter program;
- or
- refer the student over the age of 12 directly to the I Matter program if the student is in need of services.

School requirements. Participating schools are required to provide written notices to parents and allow them to request that their child not participate, but any child 12 or older may opt-in or opt-out regardless of their parent's request.

Mandatory reporter of child abuse. The bill makes the provider a mandatory reporter for child abuse.

Background

House Bill 21-1258 established the temporary behavioral health services program (I Matter), managed by the Behavioral Health Administration (BHA), to provide up to six free therapy sessions per year for youth in Colorado and reimburse participating licensed therapists. The program is open to youth 18 years of age or younger or 21 years of age or younger if receiving special education services. Currently, students apply for the program and are then screened to determine whether the program will provide them with an appropriate level of care. HB 22-1243 renewed the program through June 30, 2024, with an annual appropriation of \$6 million.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. Using Judicial Department data, the following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data and assumptions. This bill creates a new factual basis for the existing offense of failing to report child abuse by adding qualified providers that conduct annual school mental health assessments to list of professionals required to report child abuse. From FY 2019-20 to FY 2021-22, 4 individuals have been convicted and sentenced for this existing offense. Of the persons convicted, 1 was male and 3 were female. Demographically, 2 were White, 1 was Hispanic, and 1 was Asian.

The fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for this offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related revenue or expenditures at the state or local levels, these potential impacts are not discussed further in this fiscal note. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

Assumptions

The fiscal note assumes that:

- about 24 percent of schools will choose to participate in the screenings, based on participation in the 2021 Healthy Kids Colorado Survey; and
- about 63 percent of those students will not opt-out based on the opt-out rate of a 2019 South Carolina mental health screening program.

Given the expected average number of students per participating school, 93,933 students are estimated to be screened under the program. It is further assumed that:

- about 25 percent of students screened will be referred to the I Matter program, based on the 2021 Health Kids Colorado Survey; and
- about 65 of the population will enroll in the program.

State Expenditures

The bill increases state General Fund expenditures in CDPHE by about \$512,000 in FY 2023-24 and \$2.9 million in FY 2024-25 as shown in Table 2 and discussed below. Conditional on the extension of the I Matter program, it also increases state General Fund expenditures in the BHA by \$14.2 million in FY 2024-25, paid from the General Fund.

**Table 2
Expenditures Under HB 23-1003**

	FY 2023-24	FY 2024-25
Department of Public Health and Environment		
Personal Services	\$152,163	\$234,917
Operating Expenses	\$3,105	\$4,050
Capital Outlay Costs	\$20,010	\$22,011
Qualified Provider Contract	-	\$2,011,706
Data Vendor Contract	\$300,000	\$525,000
Centrally Appropriated Costs ¹	\$36,294	\$55,067
FTE – Personal Services	2.0 FTE	3.0 FTE
CDPHE Subtotal	\$511,572	\$2,852,751
Behavioral Health Administration		
Personal Services	\$0	\$68,100
Operating Expenses	\$0	\$1,350
Capital Outlay Costs	\$0	\$0
iMatter Increase	\$0	\$8,168,052
iMatter Continuation	\$0	\$5,930,550
Centrally Appropriated Costs ¹	\$0	\$18,225
FTE – Personal Services	0.0 FTE	1.0 FTE
BHA Subtotal	\$0	\$14,186,277
Total	\$511,572	\$17,039,028
Total FTE	2.0 FTE	4.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Colorado Department of Public Health and Environment. CDPHE requires \$511,572 in FY 2023-24, \$2,852,751 in FY 2024-25 and ongoing to contract with a qualified provider to conduct screenings as described below.

- **Staffing.** CDPHE requires 3.0 FTE starting in FY 2023-24 to contract a qualified provider, contact schools and draft participation agreements that assure some degree of consistency across schools, and evaluate and report on the program’s progress and areas for improvement. First-year staffing costs are prorated for the General Fund pay date shift and varying start dates between July 1, 2023, and January 1, 2024. Standard operating and capital outlay expenses are included for new staff.

- **Qualified provider contract.** CDPHE will hire a qualified provider to conduct in-person screenings for participating students, and transfer the results to the prescribed channel. The qualified provider contract is estimated to cost \$2,011,706 annually beginning in FY 2024-25. The cost is based on the assumption that the contracted provider can screen 2 students an hour and that the provider will require tablets equipped with the Behavior Intervention Monitoring Assessment System (BIMAS) software.
- **Data vendor contract.** CDPHE will hire a data vendor to create an electronic screening tool to collect minimum necessary data for each student screened in accordance with health information privacy laws. This estimate is based on the data vendor contract for the Screening, Brief Intervention, and Referral to Treatment program in School-Based Health Centers.

Behavioral Health Administration (BHA) – Conditional Impact. The BHA costs are conditional on the extension of the I Matter program (see Technical Note). Assuming the I Matter program continues, starting in FY 2024-25, expenditures in the BHA will increase by \$14.2 million per year. This includes \$6.0 million and 1 FTE to continue the I Matter Program and \$8.0 million per year to cover additional referrals to the program. The fiscal note assumes that an additional 11,138 students will be referred to the I Matter Program and will receive six sessions annually.

Child welfare impacts. The screenings may result in an increase in reports of known or suspected child abuse or neglect. This will increase costs for the Department of Human Services, the trial courts, the Office of the Child’s Representative, and the Office of the Respondent Parents’ Counsel. Changes in caseload will be adjusted for through the annual budget process.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

School District

Starting in FY 2024-25, the bill will increase expenditures for schools participating in the program to send notifications; track opt-out responses; organize participating students such that a provider can see approximately two students per hour; and trigger a crisis response protocol if a provider refers a student to their care.

Technical Note

The bill directs appropriate students to be screened into the I Matter program which is set to repeal on June 30, 2024, before screenings can begin. Since the bill hinges on the continued existence of the I Matter program, the fiscal note assumes the bill will be amended to continue the I Matter program.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2023-24, the bill requires an appropriation of \$475,278 from the General Fund to the Department of Public Health and Environment and 2.0 FTE.

State and Local Government Contacts

Behavioral Health Administration
Human Services
Public Health and Environment

Education
Information Technology