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FINAL FISCAL NOTE

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Prime Sponsors: Sen. Gardner; Lambert Bill Status: Signed into Law
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Bill Topic: JAIL-BASED BEHAVIORAL HEALTH SERVICES

- Summary of Fiscal Impact:
State Revenue
State Expenditure
State Transfer
TABOR Refund
Local Government
Statutory Public Entity

This bill establishes the Jail-based Behavioral Health Services Program in the Office of Behavioral Health in the Department of Human Services. This bill increases state expenditures and county workload on an ongoing basis. County costs are potentially reduced.

Appropriation Summary: For FY 2018-19, this bill includes an appropriation of \$2,564,603 to the Department of Human Services.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Table 1
State Fiscal Impacts Under SB 18-250

Table with 3 columns: Category, FY 2018-19, FY 2019-20. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total), Total FTE, Transfers, and TABOR Refund.

Summary of Legislation

This bill establishes the Jail-based Behavioral Health Services Program in the Office of Behavioral Health in the Department of Human Services (DHS) and authorizes the program to receive money from the Correctional Treatment Cash Fund. Jails with minimal behavioral health services are to be prioritized and the program is to:

- provide adequate staff to complete behavioral health screenings, prescribe psychiatric medications, and provide mental health counseling, substance abuse disorder treatment, and transitional care coordination;
- train jail staff on behavioral health disorders and best practices in working with mental health, substance use, and co-occurring disorders; and
- fund administrative costs to jails that implement jail-based behavioral health services.

On or before January 1, 2019, and each January thereafter, the Office of Behavioral Health in the Department of Human Services is to submit, as part of its annual report to the General Assembly, results of the jail-based behavioral health services program and include a description of services funded.

A county jail that receives funding for jail-based behavioral health services under the program must:

- screen all individuals booked into the jail facility with standardized evidence-based screening tools for mental health disorders, substance use disorders, and suicide risk;
- assess all individuals booked into the jail for substance use withdrawal symptoms and develop protocols for medical detoxification monitoring procedures;
- assess all individuals booked into the jail for psychiatric medication needs by requesting and reviewing prescription history;
- have access to all psychiatric medications;
- assist in the provision of coordinated services for individuals in jail custody who may require competency restoration services;
- coordinate services with community behavioral health providers prior to the release of an inmate to ensure continuity of care following his or her release from jail;
- track performance outcomes for measures developed by the Office of Behavioral Health; and
- partner with the Office of Behavioral Health to develop feasible health information exchange strategies for medical and behavioral health records.

Background and Assumptions

There are 44 county jails in Colorado and this analysis assumes jail-based behavioral health services will need to be implemented or expanded in each of these jails. Because services can be combined in some locations, 23 jail-based behavioral contracts are expected. It is assumed that funding will be used to hire contract staff in each jail and that overall program administration will be provided by DHS to ensure the efficient and effective implementation of jail-based behavioral health services in all jails.

Cost calculations in this analysis are based on the following timeline:

- DHS administrative FTE will start November 1, 2018, and will solicit jail-based behavioral health contract services at this time;

- jail-based behavioral health services contracts will be executed by December 1, 2018;
- beginning January 1, 2019, jail-based behavioral health services will begin. Services will be provided for six months in FY 2018-19. Full-year services will be provided beginning in FY 2019-20 and continue each year thereafter.

The Correctional Treatment Cash Fund is overseen by the Judicial Department and the FY 2016-17 year-end fund balance was \$5,110,884. At the time of this writing, the FY 2017-18 projected year-end fund balance is \$6,411,194. The Correctional Treatment Board decides how to allocate these funds and this allocation must be approved by the General Assembly. This analysis assumes jail-based behavioral health services costs to implement this bill will be initially paid from the General Fund with future funding decisions to be made by the Correctional Treatment Board and the General Assembly.

State Expenditures

This bill increases General Fund expenditures in the DHS by \$2.6 million and 1.8 FTE in FY 2018-19 and \$5.2 million and 3.0 FTE beginning in FY 2019-20 and continuing each year thereafter. These costs are shown in Table 2 and are discussed below.

**Table 2
Expenditures Under SB 18-250**

	FY 2018-19	FY 2019-20
Department of Human Services		
Personal Services	\$122,117	\$210,029
Operating Expenses and Capital Outlay Costs	\$15,819	\$2,850
Contract Costs	\$2,426,667	\$4,906,962
Centrally Appropriated Costs*	\$24,810	\$41,945
FTE – Personal Services	1.8 FTE	3.0 FTE
Total Cost	\$2,589,413	\$5,161,786
Total FTE	1.8 FTE	3.0 FTE

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

Administrative staff. To administer the jail-based behavioral health service program, 3.0 FTE is needed for a program manager, contract administrator, and data analyst. Collectively these positions will develop and oversee all jail-based behavioral health services contracts, provide technical assistance to jails including site visits, train jail staff on behavioral health disorder screening and best practices, collect data on the use and effectiveness of jail-based behavioral health services, and prepare reports for the General Assembly. FY 2018-19 costs include standard operating and capital outlay costs for computers and furniture and are prorated for the expected November 1, 2018, start date and the General Fund paydate shift.

Contract Services. Jail-based behavioral health contract services costs are based on having contract staff in each jail. This includes an advanced practice nurse or physician assistant (prescriber), a mental health clinician, and an administrative assistant. Costs will also be incurred to stock psychiatric medications. These costs are prorated by facility based on jail population,

projected caseload, and existing jail-based behavioral health services resources within the jail with an average contract cost of \$213,346. Individual contracts are expected range from \$80,000 to \$750,000 depending on multiple factors and the results of the request for proposal process. Full contract costs are estimated to be \$4.9 million per year beginning in FY 2019-20. Costs in FY 2018-19 are prorated by six months.

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 estimated to be \$24,810 in FY 2018-19 and \$41,495 in FY 2019-20 and beyond.

Local Government

Beginning in FY 2018-19, providing jail-based behavioral health services in county jails increases county jail costs and workload in the following ways. First, workload increases to receive training and implement behavioral health disorder screening policies and best practices. Second, workload also increases to update booking procedures to ensure individuals being booked in the jail are screened for mental or substance abuse disorders and prescription drug history information is obtained. To the extent that facility or programing updates are needed to implement these procedures, costs will increase. Third, workload increases to coordinate with community health providers and the Office of Behavioral Health. These impacts have not been estimated.

To the extent that providing jail-based behavioral health services in county jails provides greater access to needed services and medications, jail medical expenses for inmates with behavioral health disorders will decrease. This could include costs related to the provision of medical care, prescription drugs, and transport and staff costs for out-of-jail treatment services. To the extent that access to jail-based behavioral health services improves inmate behavior, this bill may further decrease county jail costs from the early release of inmates that previously served longer sentences as a result of behavioral health disorders. These costs have not been estimated. For informational purposes estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$54.39 to house state inmates.

Effective Date

This bill was signed into law by the Governor and took effect on June 6, 2018.

State Appropriations

For FY 2018-19, this bill includes an appropriation of \$2,564,603 General Fund and an allocation of 1.8 FTE to the Department of Human Services.

State and Local Government Contacts

Corrections
Human Services
Sheriffs

Counties
Information Technology

District Attorneys
Judicial