

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0967-01
Bill No.: HB 0315
Subject: Establishes the Office of State Ombudsman for Mental Health services recipients.
Type: Original
Date: February 12, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$315,389)	(\$351,645)	(\$360,550)
Total Estimated Net Effect on <u>All</u> State Funds	(\$315,389)	(\$351,645)	(\$360,550)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Mental Health (DMH)** stated this bill specifically states in Section 630.201(5) that the regional or deputy ombudsman will be persons working for, or under contract with, the office of ombudsman instead of the DMH. Section 630.202.5 requires the state ombudsman to prepare annual budgets and appropriation requests. Since the state ombudsman will be seeking funding of their own and persons working with the office will not work for the DMH, the DMH officials assumed, for this analysis, that there is no fiscal impact upon the DMH for this bill. The DMH officials stated the appropriation currently received by the DMH for such ombudsman activities as it currently maintains would need to continue in order for the DMH to be in compliance with the Protection and Advocacy Act 42 U.S.C. 10801. In order to maintain such compliance the DMH officials assumed that no funds would be core cut or transferred from the DMH to fund the new office of the ombudsman.

Officials from the **Office of Administration - Budget and Planning (COA)** stated the proposed legislative change should not result in additional costs or savings to the COA.

Officials from the **Office of State Courts Administrator** stated the proposed legislation should not have a fiscal impact on their organization.

Officials from the **Department of Corrections (DOC)** did not respond to our request for a fiscal impact statement. **Oversight** assumes the proposed legislation would not fiscally impact the DOC.

Officials from the **Office of Lieutenant Governor (MLG)** assumes a regional coordinator and clerical support would be require for each of the five regions, and expenses for such staff would be the responsibility of the MLG's office. Officials from the MLG's office further assume that this proposal would apply only to state operated mental health facilities. This is based on the DMH's interpretation of Section 630.201(1) limiting mental health facilities to those "recognized as such by the department". The five regional coordinators would be employed at \$45,000 per year. The clerical support in these areas would be employed at \$25,000 per year. The MLG's office also believes that they would need to hire an Executive Director, a General Counsel and 2 personnel to handle the administrative work in the Jefferson City office. The Executive Director would be employed at \$75,000; General Counsel at \$55,000; and two program specialists at \$35,000. The MLG projected salary and fringe benefit costs of \$501,543 for FY 02; \$742,423 for FY 03; and \$760,984 for FY 04. Total equipment and expenses were projected to be \$54,600 for FY 02; \$42,290 for FY 03; and \$44,988 for FY 04.

ASSUMPTION (continued)

Oversight assumes that the proposed program could be operated with an Executive Director and 1 clerical support staff located in the current MLG's office. Oversight further assumes that 3 regional coordinators, located in DMH facilities, could oversee the five regions and that no additional rental space would be required.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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GENERAL REVENUE FUND

Costs - Office of Lieutenant Governor

Personal Service (5 FTE)	(\$199,875)	(\$245,846)	(\$251,992)
Fringe Benefits	(\$66,618)	(\$81,940)	(\$83,989)
Expense and Equipment	<u>(\$48,896)</u>	<u>(\$23,859)</u>	<u>(\$24,574)</u>

Total <u>Costs</u> - Office of Lieutenant Governor	<u>(\$315,389)</u>	<u>(\$351,645)</u>	<u>(\$360,555)</u>
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ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$315,389)</u>	<u>(\$351,645)</u>	<u>(\$360,555)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

The proposed legislation may impact administrative agents through increased administrative costs. However, the fiscal impact cannot reasonably be estimated.

DESCRIPTION

The proposed legislation would establish the Office of State Ombudsman for Recipients of Mental Health Services in the Office of the Lieutenant Governor. The purpose of the Ombudsman would be to help assure the adequacy of care received by residents of mental health facilities and to improve their quality of life.

In its main provisions, the proposal would: (1) require the office to establish and implement procedures for receiving and resolving complaints made by or on behalf of residents of mental health facilities; (2) specify the authority of the Ombudsman or a representative of the office; (3) requires the office to acknowledge complaints, report findings, make recommendations, and DESCRIPTION (continued)

publicize its existence; (4) require the office to analyze and monitor the development and

implementation of federal, state, and local laws which affect mental health facilities and to recommend to the Department of Mental Health any changes of such laws; (5) require the office to promote community contact and involvement; establish standards for qualifications and training for regional ombudsman coordinators and volunteers; and to develop and propose programs for use, training, and coordination of volunteers and regional ombudsman coordinators; (6) require the office to distribute an informational notice to each facility and certified outpatient treatment programs providing mental health services concerning the functions of the Ombudsman and the complaint filing process; (7) require administrators of mental health facilities to ensure that the informational notice is given to every resident or the resident's guardian and to post the notice in a conspicuous place; (8) require the office to inform residents, guardians, and families of their rights and entitlements as contained in federal and state laws by distributing educational materials and conducting group meetings; (9) allow the office to maintain authority over the disclosure of any files. The identity of a complainant or resident cannot be disclosed unless consent is given or by court order; (10) prohibit representatives of the office from knowingly or willfully disclosing information obtained from a complaint to non-authorized persons. Persons who violate this provision would be guilty of a class A misdemeanor; (11) specify statements or communications provided in good faith which are privileged; (12) specify conditions when the office must testify in a court proceeding; (13) specify the classification of employees of the office; and (14) prohibit reprisals and retaliatory actions against residents and employees of mental health facilities who communicate or who provide information to the office. Persons who knowingly or willfully violate this provision would be guilty of a class A misdemeanor.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Office of Lieutenant Governor
Department of Mental Health
Office of Administration - Budget and Planning

NOT RESPONDING: Department of Corrections



Jeanne Jarrett, CPA
Director
February 12, 2001