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FISCAL IMPACT REPORT

SPONSOR Papen ORIGINAL DATE 2/15/07
LAST UPDATED _____ HB _____
SHORT TITLE Public Health Act Definitions SB 585
ANALYST Lucero

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		None	None			

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

Children, Youth and Families Department (CYFD)

Human Services Department (DOH)

SUMMARY

Synopsis of Bill

Senate Bill 585 (SB 585) would amend two definitions in the Public Health Act, “department” or “division” and “secretary”. In section 24-1-2 A, “department or division”, under the Children, Youth and Families Division (CYFD), has been amended to add the language” shelter care homes and those outpatient facilities that are also community-based behavioral health facilities serving only persons up to 21 years of age”.

Section 24-1-2 E has also been amended. The definition of “secretary”, as to the secretary of children, youth and families, has been amended to include responsibility for “residential treatment centers that serve persons up to twenty-one years of age, community mental health centers that serve only persons up to twenty-one years of age, day treatment centers up to 21 years of age, shelter care homes and outpatient facilities serving only persons up to 21 years of age.

FISCAL IMPLICATIONS

None identified

SIGNIFICANT ISSUES

The clarification of responsibility for CYFD to manage shelter homes and outpatient facilities serving only persons up to twenty one years of age is important. Following a 2003 amendment to the definition of “health care facility”, 24-1 2 D, DOH became responsible for all shelter homes. However, there are facilities traditionally managed by CYFD referred to as shelter homes, (not considered residential treatment centers), that house persons only up to age 21. This amendment corrects that, and moves the responsibility for those specific facilities back to CYFD.

Licensing and Certification of children’s behavioral health services is a critical function and special expertise of the Children, Youth, and Families Department. This amendment specifies the types of health facilities that CYFD is charged with having oversight authority. By clarifying the language in the statute, the bill provides both CYFD and DOH a better legal foundation and means to address certain types of behavioral health providers and facilities, and to take remedial action when these providers are deemed unsafe or unresponsive. By making this specification, the statute will provide a more permanent and defensible legal foundation for action than the Joint Power Agreement and Memorandum of Understanding currently employed to empower the two agencies to coordinate their respective jurisdictions on these matters. CYFD will license the following (and only the following):

- * Child care centers
- * Residential treatment centers that serve persons up to twenty-one years of age
- * Community mental health centers that serve only persons up to twenty-one years of age
- * Day treatment centers that serve persons up to twenty-one years of age
- * Shelter care homes
- * Those outpatient facilities that are also community-based behavioral health facilities serving only persons up to twenty-one years of age

For the purposes of the Public Health Code, Section 24-1-2 A defines “department,” and specifies that specific types of residential and outpatient facilities engaged in the provision of behavioral health services to children and youth up to age 21. CYFD is not given oversight over medical facilities.

The amended language also defines “Secretary” as the Cabinet Secretary for CYFD. Ensuring that the language in Section 21-1-2 E is consistent with that in section 24-1-2 A.

PERFORMANCE IMPLICATIONS

The clarifies the role and obligations of CYFD, which may have an indirect positive effect on agency performance.

ADMINISTRATIVE IMPLICATIONS

DOH supports the transfer of responsibility for these facilities back to CYFD. DOH does not have the staff or expertise to address the issues of the population served.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

DL/nt