



Economic Impact Analysis Virginia Department of Planning and Budget

6 VAC 35-180 – Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles

Department of Juvenile Justice

September 2, 2006

Summary of the Proposed Regulation

.Pursuant to Chapter 440 (2005, Acts of the Assembly), the Board of Juvenile Justice (board) proposes to promulgate regulations to provide for coordinated post-release mental health, substance abuse and other therapeutic treatment for incarcerated juveniles.

Result of Analysis

There is insufficient data to measure the magnitude of cost versus benefits for the proposed regulation. Cost and benefits are detailed below.

Estimated Economic Impact

Prior to passage of Chapter 440 in 2005, the Department of Juvenile Justice (DJJ) had no regulations dictating how post-release services would be planned and provided. DJJ reports that it was their practice to try and ensure juveniles leaving DJJ custody received appropriate care but there was no formal coordination between DJJ and local agencies that would provide for that care. Currently, most juveniles who leave DJJ custody, and are in need of continuing care, will receive services through one of the 40 Community Services Boards (CSBs) throughout the state. CSBs receive state and federal funding through the Department of Mental Health, Mental, Mental Retardation and Substance Abuse Services (DMMRSAS).

Chapter 440 (2005, Acts of the Assembly) requires the board to promulgate regulations that will ensure “continuity of necessary treatment and services” through a mental health services transitional plan. This plan must be developed by a team that includes “appropriate treatment providers”, “persons from state and local agencies or entities” (as defined by the board) and “appropriate family members, caregivers, or other persons” (also as defined by the board). This

legislation also requires that “prior to the person’s release from incarceration, the identified agency or agencies responsible for case management of the mental health services transition services plan shall make the necessary referrals specified in the plan, including completing and submitting applications that may only be submitted upon release.”

The board proposes regulations that require service plans be developed for juveniles who have been diagnosed with a mental illness that is likely to impair their ability to function in the communities to which they will be released, as well as juveniles who are receiving medication treatment while incarcerated. At least 90 days before release, the court services unit (CSU) or post-dispositional detention program (PDDP) that has custody of an affected juvenile will be required to review their case and determine if a mental health services transitional plan is needed. If it is, the CSU or PDDP will enter into a Memorandum of Understanding (MOU) with public agencies (local Departments of Social Services (LDSS), CSBs, local Departments of Health, representatives of local school districts) that will be responsible for the post-release care. The time frame requirement for the initiation of case review and planning are waived if a juvenile is subject to a judicial order for release. In this instance, case review and planning will be completed no later than 30 days after release.

The proposed regulation requires that a mental health services transitional plan specify:

- What agency or person will be assigned case management duties.
- The kind of services that will be made available.
- Who will provide these services.
- The time frame in which these services will be provided and
- All proposed sources for funding to pay for these services

All applications for services, insurance or financial services will be required to be filled out before release when possible.

The proposed regulation will benefit juveniles who may have otherwise received no needed services or who would have received less than optimally effective services. The communities into which these juveniles will be released will also likely benefit as offered services may lower the probability of recidivism. Local agencies, as well as DJJ, may incur unbudgeted for costs associated with implementing this regulation. These costs would include

staff time spent planning for post-release services, as well as time and resources spent providing services for juveniles who would not have previously received them.

Businesses and Entities Affected

The proposed regulation will affect the approximately 1,000 juveniles and young adults released each year from juvenile correctional facilities. Also affected will be the court services units, community services boards, Local Departments of Social Services, Local Departments of Health and local school divisions that will enter into Memorandums of Understanding to meet the needs of released juveniles.

Localities Particularly Affected

The proposed regulation will affect all 134 localities in the Commonwealth.

Projected Impact on Employment

To the extent that the proposed regulation ensures that juveniles receive drug treatment/therapy/other mental health services when they otherwise would not have, employment in therapeutic fields may increase to meet this increased demand. Since many of these juveniles would have received services anyway, albeit in a less coordinated, efficient fashion, any increase in employment is likely to be small.

Effects on the Use and Value of Private Property

Any private individuals or businesses that are tasked with providing services for released juveniles will likely see an increase in their revenues. So long as costs associated with providing these services are less than the associated revenues, profits, and the value of these private businesses, will increase.

Small Businesses: Costs and Other Effects

Costs for implementing the proposed regulation will fall on state and local agencies.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Costs for implementing the proposed regulation will fall on state and local agencies.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.