

Revised based on amendments adopted through 3-10-20

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2020-21</b>		<b>FY 2021-22</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS	\$100,000			
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
<b>TOTAL FUNDS</b>	\$100,000			

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

This bill provides a definition of and duties and responsibilities for the Youth Rehabilitation and Treatment Centers (YRTC). Each youth rehabilitation and treatment center shall provide: (a) Safe and sanitary space for sleeping, hygiene, education, programming, treatment, recreation, and visitation for each juvenile; (b) Health care and medical services; (c) Appropriate physical separation and segregation of juveniles based on gender; (d) Sufficient staffing to comply with state and federal law and protect the safety and security of each juvenile; (e) Training that is specific to the population being served at the youth rehabilitation and treatment center; (f) A facility administrator for each youth rehabilitation and treatment center who has the sole responsibility for administration of a single youth rehabilitation and treatment center; (g) An evaluation process for the development of an individualized treatment plan within fourteen days of admission to the youth rehabilitation and treatment center; (h) An age-appropriate and developmentally-appropriate education program for each juvenile that can award relevant and necessary credits toward high school graduation that will be accepted by the juvenile's home school district; (i) A case management and coordination process, designed to assure appropriate reintegration of the juvenile to his or her family, school, and community; (j) Compliance with the requirements stated within Title XIX and Title IV-E of the federal Social Security Act, as such act existed on 30 January 1, 2020, the Special Education Act, or other funding guidelines as appropriate; (k) Research-based or evidence-based programming for all juveniles that includes a strong academic program as well as classes in health education, living skills, vocational training, behavior management and modification, money management, family and parent responsibilities, substance abuse awareness, physical education, job skills training, and job placement assistance; and (l) Research-based or evidence-based treatment services for behavioral impairments, severe emotional disturbances, sex offender behaviors, other mental health or psychiatric disorders, drug and alcohol addiction, victims of physical or sexual abuse, and any other treatment indicated by the juvenile's individualized treatment plan.

The language in the bill defines the duties and responsibilities of the YRTCs. The language reflects activities, operations and structure of the current system for which the agency is funded. The Department of Health and Human Services indicated they would need to construct additional buildings at the YRTC in Geneva due to the language requiring "appropriate physical separation and segregation of juveniles based on gender." This appears to be an overly broad interpretation of that language. Currently there are juveniles of both genders located on the YRTC Kearney campus. The youth are physically separated, although they are on the same campus. There may occasionally be youth of different genders within the sight and sound of each other such as passing in a hallway in the school building. Staff are always present and there is no direct interaction. It does not appear that these infrequent, staff-monitored occasions would violate the provision for separation and segregation of the genders. There is no fiscal impact.

The bill as amended requires the department to contract for a needs assessment and cost analysis for an inpatient adolescent psychiatric unit to be housed in the Lincoln Regional Center within 60 days of the effective date of the bill. The estimated cost for the contract is \$100,000.

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

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Date Prepared 7-14-2020

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	<u>FY 2020-2021</u>		<u>FY 2021-2022</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
<b>GENERAL FUNDS</b>	\$12,100,000			
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	\$12,100,000			

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

**Explanation of Estimate:** LB1140 as amended by AM2663 would require that each YRTC shall be a separate placement and shall provide safe and sanitary space for sleeping, hygiene, education, programming, treatment, recreation and visitation. The Department shall provide health care and medical services, physical separation and segregation of juveniles based on gender, staffing to comply with state and federal law, training specific to the juvenile population, a facility administrator for each YRTC, an evaluation process and treatment plan, age appropriate education, case management for appropriate re-integration, compliance with federal and state laws, and evidence-based programming and treatment services. The YRTC's shall electronically submit a report of its activities including an overview of any facility issues or facility improvements for the preceding fiscal year to the Clerk of the Legislature on or before July 15th of each year.

To accommodate the physical separation and segregation of juveniles based on gender, the Department would need to construct a new facility. Geneva only has the LaFlesche building in operation to accommodate female youth transitioning out of the program. This building could accommodate up to 20 girls. However, the current female population exceeds that number and the female population has been in the 40's within the last year. To bring the rest of the Geneva campus to a fully operational level will require a physical structure build. Based on construction costs for buildings similar to LaFlesche, DHHS estimates the cost to bring the Geneva facility to full capacity to be \$12,000,000. This would add up to 40 additional beds to the Geneva campus.

This bill also requires that the Department of Health and Human Services (DHHS) shall develop a five-year operations plan for YRTC-Geneva and YRTC-Kearney before Nov. 15, 2020. Each operations plan shall be made with input from key stakeholders. Administrative and clinical staff are not allowed to have oversight or responsibility for more than one YRTC at a time. December 15th of each year each YRTC shall submit a report of operations plans and key performance indicators as outlined in section 2 of the bill.

Until the Department completes the plan, it is unknown what the fiscal impact will be. However, there currently are approximately 9 FTE being shared between facilities that would no longer be allowed.

In addition, this bill defines what an emergency is and requires the Department of Health and Human Services (DHHS) to have emergency evacuation plans for the YRTC-K, YRTC-G, and any other facility being operated as a YRTC. The plans will include alternative placement facilities, barriers to implementing emergency plans, procedures for notification that an emergency plan is being implemented to youth, staff, families or guardians, the State Court Administrator, the committing court of each juvenile, the chairperson of the HHS committee of the legislature, The Office of Public Counsel, and the Inspector General of Child Welfare. The emergency plans will include details of transportation to the alternate facility, and methods and schedules for implementing the emergency plan. The plans shall be developed on or before October 15, 2020. There would be no fiscal impact for this plan to be created.

The bill also provides for a cost analysis for the establishment of an inpatient adolescent psychiatric unit housed within the Lincoln Regional Center (LRC). The Department of Health and Human Services will provide a report to the Legislature on or before October 15, 2020 that includes the needs assessment, the cost of opening the unit, the cost re-

opening of a unit at LRC, the annual costs of such a unit, and the cost savings by moving youth in out of state facilities back to Nebraska for treatment.

The Department estimates the needs assessment will cost about \$100,000.

Lastly, this bill would require that the policies of the Department regarding the transportation of juveniles placed at the YTRC's shall apply to any private contractor utilized by the Office of Juvenile Services to transport juveniles placed at the YTRCs. The Department is going to add this requirement to its contracts regardless of any legislation, and can absorb any additional costs within its current appropriation.

<b>MAJOR OBJECTS OF EXPENDITURE</b>				
<b>PERSONAL SERVICES:</b>				
POSITION TITLE	NUMBER OF POSITIONS		2020-2021	2021-2022
	20-21	21-22	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....			\$100,000	
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....			\$12,000,000	
<b>TOTAL.....</b>			<b>\$12,100,000</b>	