

# BDR 40-301 SB 298

## EXECUTIVE AGENCY FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 16, 2023

Agency Submitting: Department of Administration, Hearings and Appeals

Items of Revenue or Expense, or Both	Fiscal Year 2022-23	Fiscal Year 2023-24	Fiscal Year 2024-25	Effect on Future Biennia
CAT 01 - PERSONNEL SERVICES (Expense)		\$423,228	\$586,122	\$1,172,244
CAT 04 - OPERATING (Expense)		\$1,778,208	\$1,909,168	\$3,818,336
CAT 05 - EQUIPMENT (Expense)		\$65,673		
CAT 26 - INFORMATION SERVICES (Expense)		\$14,290	\$14,931	\$29,862
Total	0	\$2,281,399	\$2,510,221	\$5,020,442

Explanation

(Use Additional Sheets of Attachments, if required)

The agency has reviewed this BDR, as written, and determined there is a fiscal impact to the Department of Administration, Hearings and Appeals Division. Section 14 of the BDR authorizes a resident or the representative of the resident to request a hearing before the Hearings Division before he or she is involuntarily discharged. BDR 40-301 encompasses 396 facilities with 9,110 total beds. Because this will be a completely new process, we do not currently know how many appeals the process would generate. Using a conservative estimate of 15% of residents potentially requesting hearings, this equals approximately 1,366.5 cases requiring hearings each year. We estimate that it will require approximately 10 hours of Appeal Officer time to schedule, review, adjudicate and conclude each hearing from start to finish.

The Hearings Division would be required to contract with approximately 13 Special Appeals Officers with specialized knowledge of the subject matter whose responsibility it would be to hold the hearings, perform legal research, and render a decision. Seven legal secretaries would be required to support the Special Appeals officers and carry out the necessary administrative functions of scheduling the hearing and generating all resulting legal documents. Two administrative staff would be required to support the overall additional case load and intake of requests for hearings, including management of a toll-free number required per Section 11 of the BDR. Additional court room and office space would be required, as the Division does not currently have space to accommodate additional staff.

Name Matthew Tuma  
Title Deputy Director, Department of Administration

GOVERNOR'S OFFICE OF FINANCE COMMENTS

The agency's response appears reasonable.

Date Friday, March 10, 2023

Name Amy Stephenson  
Title Director