



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill # HB0459

Title: Provide for certification of CPS workers with direct contact with children

Primary Sponsor: Lenz, Dennis R

Status: As Introduced

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
Expenditures:				
General Fund	\$41,731	\$35,755	\$35,755	\$35,755
State Special Revenue	\$28,069	\$15,262	\$14,563	\$14,563
Federal Special Revenue	\$16,229	\$13,905	\$13,905	\$13,905
Revenue:				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$28,069	\$15,262	\$14,563	\$14,563
Federal Special Revenue	\$16,229	\$13,905	\$13,905	\$13,905
Net Impact-General Fund Balance:	<u>(\$41,731)</u>	<u>(\$35,755)</u>	<u>(\$35,755)</u>	<u>(\$35,755)</u>

Description of fiscal impact: HB 459 revises laws related to providing for the certification of child protection specialists (CPS) investigating matters of suspected abuse, neglect, or endangerment. This will require that CPS staff achieve certification through the Board of Behavioral Health, resulting in application fees, fingerprint check fees, and renewal fees. Additionally, the Department of Labor and Industry will incur costs related to rulemaking, Board of Behavioral Health meetings, database changes, and certification and licensing workload.

FISCAL ANALYSIS

Assumptions:

Department of Public Health & Human Services

1. New Section 2(2)(a), defines a certified child protection specialist as a person who “has obtained education and skills needed to investigate, respond to, prevent, and resolve reports of abuse, neglect, and endangerment experienced by children.” The department assumes that child protection specialists (CPS) and Child

- Protection Specialist Supervisors (CPSS) in the Child and Family Services Division (CFSD) will be required to attain certification. Impacted staff include 207 CPS positions and 45 CPSS positions.
2. New Section 4 establishes the requirements needed to acquire certification. CFSD provides an on-boarding training program, Montana Child Abuse and Neglect (MCAN), as a requirement for all newly hired staff. The training is designed to establish a foundation for child protection work, as well as provide the basic skill necessary to facilitate work in child protection. The MCAN training is conducted by CFSD staff and encapsulates most of the topics listed in this section. Since the training is conducted internally by CFSD, it can be expanded to include additional topics at no additional cost.
 3. The department assumes all current FTE meet the requirements of New Section 4, with the exception of the competency examination that will be developed by the Board. As a result, all current FTE are anticipated to achieve certification in FY 2022.
 4. New Section 4 establishes the following fees: an initial application fee estimated to cost \$200 per FTE and fingerprints checks estimated to cost \$30 per FTE.
 5. Section 5 requires CPS to renew their certification annually and provide proof of completion of at least 20 hours of continuing education to include at least one of the topics listed in the section. Annually, CFSD enters into a Title IV-E training contract with the University of Montana, School of Social Work. The purpose of the contract is to provide on-going training to existing staff. The scope of training can be adapted to include the topics included in this section. The amendment to the training curriculum can be made with no increased cost to CFSD.
 6. New Section 5 establishes a renewal fee estimated to cost \$150, and it is assumed that fingerprint checks will also be conducted with each renewal.
 7. CPS positions are assumed to turnover at an annual rate of 37.5% and CPSS positions are assumed to turnover at an annual rate of 18.2%.
 8. The table below reflect the total estimated costs for FY 2022 through FY 2025.

Fee Description	FY 2022	FY 2023	FY 2024	FY 2025
Initial Application Fee (\$200 x 207 FTE)	\$ 50,400	\$ -	\$ -	\$ -
Initial Fingerprint Fees (\$30 x 207 FTE)	\$ 7,560	\$ -	\$ -	\$ -
CPS Renewal Fees (\$180 per FTE; 62.5% retention)	\$ -	\$ 23,220	\$ 23,220	\$ 23,220
CPSS Renewal Fees (\$180 per FTE; 81.8% retention)	\$ -	\$ 6,660	\$ 6,660	\$ 6,660
CPS Turnover Initial Application Fees (\$230 per FTE; 37.5% turnover)	\$ -	\$ 17,940	\$ 17,940	\$ 17,940
CPSS Turnover Initial Application Fees (\$230 per FTE; 18.2% turnover)	\$ -	\$ 1,840	\$ 1,840	\$ 1,840
Total Costs	\$ 57,960	\$ 49,660	\$ 49,660	\$ 49,660
Funding	FY 2022	FY 2023	FY 2024	FY 2025
General Fund (72%)	\$ 41,731	\$ 35,755	\$ 35,755	\$ 35,755
Federal Fund (28%)	\$ 16,229	\$ 13,905	\$ 13,905	\$ 13,905
Total Funding	\$ 57,960	\$ 49,660	\$ 49,660	\$ 49,660

Department of Labor and Industry

9. The Board of Behavioral Health, (BBH), will draft rules to implement this legislation. It is assumed there will be 20-page rule notice and five-page adoption notice, with a cost to the board from the Secretary of State for \$1,500, (25 pages x \$60 per page).
10. The BBH will hold a public hearing for a maximum of two hours to take comments from the public on the proposed rules with a hearing officer and court reporter present to record comments and provide a transcript. Estimated cost is \$449, (hearing officer for two hours x \$97 per hour + court reporter time and transcript \$255).

11. The BBH will notify interested parties of the rule changes as required. Currently, the board contacts all parties by email and directs them to the board website for information on notices, hearings, and how to provide comment in writing or in person at the hearing.
12. The BBH will utilize additional department legal services to draft the notice, assist in responding to comments, and prepare the adoption notice to add this new certification. Estimated cost to the board for additional legal time for board counsel and the department legal rule reviewer is \$6,120, (60 hours x \$102 per hour).
13. Total rulemaking costs for the first year of the biennium are \$8,069.
14. This new certification type will be added to the licensing database, to include a license application, renewal record, supervision tracking, continuing education entry and tracking, and compliance record. In addition, forms will be created for online completion of application, renewal, continuing education, and the board website will be updated to include certification information and updates for the public to the licensee lookup system. The BBH will be assisted in this by the department's Technology Services Division, (TSD), and TSD will bill the board for its services.
15. It is estimated TSD will spend 300 hours total on these tasks, (analysis, design, development, scripting/expressions, UAT, go live), at a rate of \$84 per hour for a total expense to the board of \$25,200. Work will be completed by existing staff and contractors using existing department appropriation.
16. The addition of a new certification will result in ongoing increased workload for board licensing and management staff. It is estimated this certification could be applied for by up to 250 child protective workers by the second year of the biennium. The department will need an additional .25 FTE Licensing Technician, with salary of \$8,672.26, and benefits of \$4,717.80 annually, CAP, (listed in table under operating) of \$1,171.63, and office supplies and computer set up of \$700 in year two of the biennium.
17. The legislation requires applicants for the certification to successfully complete a course in child protection as defined by board rule, with training in specific areas, and to earn a passing score on a competency examination as provided by the board. The DLI assumes that the Montana Child Abuse and Neglect (MCAN) training program conducted by DPHHS would meet all requirements for certification. In addition, applicants are required to undergo a fingerprint and background check through arrangement with the Montana Department of Justice.
18. Fees for certification and subsequent renewal will be set by the board and will be commensurate with costs. It is estimated there are 250 people currently employed as child protective workers who have taken the course and are eligible for the exam for this certification, and that initial certification would not take place until the second year of the biennium.

	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
<u>Fiscal Impact:</u>				
FTE	0.00	0.25	0.25	0.25
<u>Expenditures:</u>				
Personal Services	\$0	\$13,391	\$13,391	\$13,391
Operating Expenses	\$66,029	\$51,532	\$50,832	\$50,832
Benefits	\$0	\$0	\$0	\$0
TOTAL Expenditures	<u>\$66,029</u>	<u>\$64,922</u>	<u>\$64,223</u>	<u>\$64,223</u>

<u>Funding of Expenditures:</u>				
General Fund (01)	\$41,731	\$35,755	\$35,755	\$35,755
State Special Revenue (02)	\$28,069	\$15,262	\$14,563	\$14,563
Federal Special Revenue (03)	\$16,229	\$13,905	\$13,905	\$13,905
TOTAL Funding of Exp.	<u>\$86,029</u>	<u>\$64,922</u>	<u>\$64,223</u>	<u>\$64,223</u>

<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$28,069	\$15,262	\$14,563	\$14,563
Federal Special Revenue (03)	\$16,229	\$13,905	\$13,905	\$13,905
TOTAL Revenues	<u>\$44,298</u>	<u>\$29,167</u>	<u>\$28,468</u>	<u>\$28,468</u>

<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$41,731)	(\$35,755)	(\$35,755)	(\$35,755)
State Special Revenue (02)	\$0	(\$0)	\$0	\$0
Federal Special Revenue (03)	\$0	\$0	\$0	\$0

Technical Notes:

1. Page 3, Line 2 refers to denial of a “license.” The remainder of Sections 1 through 5 refer to the credential to be issued as a “certificate.”
2. This fiscal note assumes that the Board of Behavioral Health (BBH) would approve the Montana Child Abuse and Neglect (MCAN) training as a course in child protection, as provided in NEW SECTION 4 (2)(a). If the BBH does not approve the MCAN as an eligible course in child protection, the Department of Labor and Industry will need to conduct an RFP for a course(s), and exam per Section 2 of the bill as there is no national course or exam known. Estimated costs for the RFP and for a final contract for the provision of this service, is \$20,000. Once the exam is developed, costs for the actual examination fee could be part of the application process for certification.


 Sponsor's Initials

2-24-21
 Date

KA
 Budget Director's Initials

2/23/21
 Date