

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 350

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF SUBSTANCE ABUSE TREATMENT AND PREVENTION, MENTAL HEALTH SERVICES, AND PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2024; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; LIMITING THE TRANSFER OF LEGISLATIVE APPROPRIATIONS; CLARIFYING RESPONSIBILITY FOR EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING AN INTERAGENCY PAYMENT FOR A JUVENILE DETENTION CLINICIANS CONTRACT; REQUIRING A REPORT REGARDING FUNDING FOR BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS; PROVIDING EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS; PROVIDING FOR ACCOUNTABILITY REPORTS; PROHIBITING TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF MENTAL HEALTH SERVICES; PROHIBITING TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF PSYCHIATRIC HOSPITALIZATION; PROHIBITING TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF SUBSTANCE ABUSE TREATMENT AND PREVENTION; REQUIRING A REPORT ON SUBSTANCE ABUSE PREVENTION ACTIVITIES; DIRECTING THE USE OF THE STATE OPIOID RESPONSE GRANT; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR FISCAL YEAR 2023; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Health and Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2023, through June 30, 2024:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. SUBSTANCE ABUSE TREATMENT & PREVENTION:					
FROM:					
Prevention of Minors' Access to Tobacco					
Fund		\$43,800			\$43,800
Cooperative Welfare (Dedicated)					
Fund		438,300			438,300
Liquor Control					
Fund				\$650,000	650,000

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
1					
2					
3					
4					
5	Idaho Millennium Income				
6	Fund	160,000			160,000
7	Cooperative Welfare (Federal)				
8	Fund	<u>\$1,330,600</u>	<u>5,959,200</u>	<u>18,628,400</u>	<u>25,918,200</u>
9	TOTAL	\$1,330,600	\$6,601,300	\$19,278,400	\$27,210,300
10	II. MENTAL HEALTH SERVICES:				
11	A. CHILDREN'S MENTAL HEALTH:				
12	FROM:				
13	Cooperative Welfare (General)				
14	Fund	\$6,010,800	\$1,239,700	\$1,787,800	\$9,038,300
15	Cooperative Welfare (Dedicated)				
16	Fund			164,500	164,500
17	Cooperative Welfare (Federal)				
18	Fund	<u>3,376,200</u>	<u>1,931,700</u>	<u>1,812,600</u>	<u>7,120,500</u>
19	TOTAL	\$9,387,000	\$3,171,400	\$3,764,900	\$16,323,300
20	B. ADULT MENTAL HEALTH:				
21	FROM:				
22	Cooperative Welfare (General)				
23	Fund	\$17,283,300	\$2,404,000	\$9,243,800	\$28,931,100
24	Cooperative Welfare (Dedicated)				
25	Fund	67,900		350,000	417,900
26	Cooperative Welfare (Federal)				
27	Fund	2,655,400	4,151,200	778,700	7,585,300
28	ARPA State Fiscal Recovery				
29	Fund	<u>118,900</u>	<u>5,881,100</u>	<u>0</u>	<u>6,000,000</u>
30	TOTAL	\$20,125,500	\$12,436,300	\$10,372,500	\$42,934,300
31	DIVISION TOTAL	\$29,512,500	\$15,607,700	\$14,137,400	\$59,257,600
32	III. PSYCHIATRIC HOSPITALIZATION:				
33	A. COMMUNITY HOSPITALIZATION:				
34	FROM:				
35	Cooperative Welfare (General)				
36	Fund			\$4,964,000	\$4,964,000

	FOR	FOR	FOR	FOR	TOTAL	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND		
	COSTS	EXPENDITURES	OUTLAY	BENEFIT		
				PAYMENTS		
5	B. STATE HOSPITAL NORTH:					
6	FROM:					
7	Cooperative Welfare (General)					
8	Fund	\$9,402,300	\$966,000	\$2,671,700	\$45,600	\$13,085,600
9	Cooperative Welfare (Dedicated)					
10	Fund	185,200				185,200
11	State Hospital North Endowment Income					
12	Fund	600,600	1,174,100		104,400	1,879,100
13	Cooperative Welfare (Federal)					
14	Fund	<u>1,700,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,700,000</u>
15	TOTAL	\$11,888,100	\$2,140,100	\$2,671,700	\$150,000	\$16,849,900
16	C. STATE HOSPITAL SOUTH:					
17	FROM:					
18	Cooperative Welfare (General)					
19	Fund	\$4,679,500	\$186,100	\$524,100		\$5,389,700
20	Cooperative Welfare (Dedicated)					
21	Fund	11,065,500	3,359,400		\$900	14,425,800
22	Mental Hospital Endowment Income					
23	Fund	5,091,900	2,208,700	26,000	284,700	7,611,300
24	Cooperative Welfare (Federal)					
25	Fund	<u>6,398,700</u>	<u>925,000</u>	<u>0</u>	<u>25,600</u>	<u>7,349,300</u>
26	TOTAL	\$27,235,600	\$6,679,200	\$550,100	\$311,200	\$34,776,100
27	D. STATE HOSPITAL WEST:					
28	FROM:					
29	Cooperative Welfare (General)					
30	Fund	\$2,022,100	\$894,200	\$588,700	\$8,300	\$3,513,300
31	Cooperative Welfare (Dedicated)					
32	Fund	215,400				215,400
33	Cooperative Welfare (Federal)					
34	Fund	<u>2,681,400</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2,681,400</u>
35	TOTAL	\$4,918,900	\$894,200	\$588,700	\$8,300	\$6,410,100

	FOR	FOR	FOR	FOR		
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND		
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL	
				PAYMENTS		
5	DIVISION TOTAL	\$44,042,600	\$9,713,500	\$3,810,500	\$5,433,500	\$63,000,100
6	GRAND TOTAL	\$74,885,700	\$31,922,500	\$3,810,500	\$38,849,300	\$149,468,000

7 SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519,  
 8 Idaho Code, each of the programs in the Department of Health and Welfare  
 9 listed below is authorized no more than the following number of full-time  
 10 equivalent positions at any point during the period July 1, 2023, through  
 11 June 30, 2024, unless specifically authorized by the Governor. The Joint  
 12 Finance-Appropriations Committee will be notified promptly of any increased  
 13 positions so authorized.

14	Adult Mental Health .....	209.56
15	Children's Mental Health .....	95.67
16	State Hospital North .....	131.60
17	State Hospital South .....	286.25
18	State Hospital West .....	49.33
19	Substance Abuse Treatment and Prevention .....	16.00

20 SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the Office of the  
 21 State Controller shall periodically make transfers from the General Fund to  
 22 the Cooperative Welfare Fund as requested by the director of the Department  
 23 of Health and Welfare and approved by the Board of Examiners.

24 SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provi-  
 25 sions of Section 67-3511, Idaho Code, funds appropriated in the trustee and  
 26 benefit payments expense class shall not be transferred to any other expense  
 27 classes during fiscal year 2024.

28 SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of  
 29 law to the contrary, the Department of Health and Welfare shall be required  
 30 to provide those services authorized or mandated by law in each program, only  
 31 to the extent of funding and available resources appropriated for each bud-  
 32 geted program.

33 SECTION 6. LIMITING TRANSFER OF LEGISLATIVE APPROPRIATIONS. Notwith-  
 34 standing the provisions of Section 67-3511, Idaho Code, Cooperative Welfare  
 35 (General) Fund moneys appropriated to the Divisions of Mental Health Ser-  
 36 vices and Psychiatric Hospitalization may be transferred between divisions  
 37 but shall not be transferred to any other division or program within the De-  
 38 partment of Health and Welfare without legislative approval.

39 SECTION 7. EDUCATIONAL NEEDS. The Department of Health and Welfare  
 40 shall be responsible for the educational needs of school-age children placed  
 41 in its custody by the courts for either child protective issues or mental  
 42 health issues. If the department places a child in a licensed residential

1 treatment facility that includes a nonpublic accredited school, and it is  
2 determined by the department that it is in the best interests of the child  
3 to be educated at the residential treatment facility, then it is the re-  
4 sponsibility of the department to pay for such education per student, per  
5 educational day. Other Idaho state agencies shall not be precluded from  
6 exercising their responsibility to ensure a free and appropriate education  
7 for these students within the requirements of federal disability law. The  
8 fiscal impact of this section is included within existing department base  
9 appropriations.

10 SECTION 8. INTERAGENCY PAYMENT FOR A JUVENILE DETENTION CLINICIANS  
11 CONTRACT. No later than July 16, 2023, the Children's Mental Health Program  
12 shall make an interagency payment of \$327,000 from the Cooperative Welfare  
13 (General) Fund to the Department of Juvenile Corrections to be used for the  
14 purchase of contract clinician services with juvenile detention facilities  
15 in Idaho for the period July 1, 2023, through June 30, 2024.

16 SECTION 9. BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS. The seven be-  
17 havioral health community crisis centers shall submit records that indicate  
18 the levels of funding support by fund source. The format of the report and  
19 the information included therein shall be determined by the Legislative  
20 Services Office Budget and Policy Analysis Division. The contents of these  
21 reports shall aid in providing a clearer understanding of the financial sit-  
22 uations of the behavioral health community crisis centers. These reports  
23 shall be submitted to the Legislative Services Office Budget and Policy  
24 Analysis Division no later than December 31, 2023.

25 SECTION 10. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. The Commu-  
26 nity Hospitalization Program is hereby exempted from the provisions of Sec-  
27 tion 67-3511(2), Idaho Code, allowing unlimited transfers into the Commu-  
28 nity Hospitalization Program from other programs within the Department of  
29 Health and Welfare for all moneys appropriated to it for the period July 1,  
30 2023, through June 30, 2024.

31 SECTION 11. ACCOUNTABILITY REPORTS. Funds specifically identified in  
32 statute or in an appropriation act as intended for a certain purpose may be  
33 used only for that purpose. All funds provided in this act shall be subject  
34 to accountability reports and management reviews in accordance with Section  
35 67-702, Idaho Code.

36 SECTION 12. TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF MENTAL  
37 HEALTH SERVICES. Notwithstanding the provisions of Section 67-3511, Idaho  
38 Code, funding provided for the personnel costs expense class in the Division  
39 of Mental Health Services shall not be transferred to any other expense class  
40 within the Department of Health and Welfare during fiscal year 2024.

41 SECTION 13. TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF PSYCHIATRIC  
42 HOSPITALIZATION. Notwithstanding the provisions of Section 67-3511, Idaho  
43 Code, funding provided for the personnel costs expense class in the Division

1 of Psychiatric Hospitalization shall not be transferred to any other expense  
2 class within the Department of Health and Welfare during fiscal year 2024.

3 SECTION 14. TRANSFER OF PERSONNEL COSTS FOR THE DIVISION OF SUBSTANCE  
4 ABUSE TREATMENT AND PREVENTION. Notwithstanding the provisions of Section  
5 67-3511, Idaho Code, funding provided for the personnel costs expense class  
6 in the Division of Substance Abuse Treatment and Prevention shall not be  
7 transferred to any other expense class within the Department of Health and  
8 Welfare during fiscal year 2024.

9 SECTION 15. REPORT ON FUNDS FOR SUBSTANCE ABUSE PREVENTION. The Di-  
10 vision of Substance Abuse Treatment and Prevention shall provide a report  
11 on any funds appropriated in Section 1 of this act used for substance abuse  
12 prevention. This report shall include the total dollar amount spent on sub-  
13 stance abuse prevention versus treatment and should highlight activities  
14 undertaken by the Department of Health and Welfare for substance abuse pre-  
15 vention. The report shall be submitted to the Legislative Services Office  
16 Budget and Policy Analysis Division no later than January 22, 2024.

17 SECTION 16. DIRECTING THE USE OF THE STATE OPIOID RESPONSE GRANT. Of  
18 the funds appropriated in Section 1 of this act for the State Opioid Response  
19 Grant, funds available for naloxone and needles shall be available only to  
20 first responders in the State of Idaho.

21 SECTION 17. In addition to the appropriation made in Section 1, Chap-  
22 ter 127, Laws of 2022, and any other appropriation provided by law, there is  
23 hereby appropriated to the Department of Health and Welfare for the Division  
24 of Substance Abuse Treatment and Prevention \$8,000,000 from the Cooperative  
25 Welfare (Federal) Fund to be expended for trustee and benefit payments for  
26 the period July 1, 2022, through June 30, 2023.

27 SECTION 18. An emergency existing therefor, which emergency is hereby  
28 declared to exist, Section 17 of this act shall be in full force and effect on  
29 and after passage and approval, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,  
30 11, 12, 13, 14, 15, and 16 of this act shall be in full force and effect on and  
31 after July 1, 2023.