ADMINISTRATIVE RULES – FISCAL ESTIMATE

1. **Fiscal Estimate Version**
   ☒ Original   ☐ Updated   ☐ Corrected

2. Administrative Rule Chapter Title and Number

HFS 83 Community based residential care facilities; HFS 88 Adult Family Homes; HFS 89 Residential care apartment complexes; HFS 132 Nursing homes; and HFS 134 Facilities for the developmentally disabled

3. Subject

Rules to require facilities to provide information necessary for the Department to assess facility's compliance with s. 55.14, Stats., relating to involuntary administration of psychotropic medication

4. **State Fiscal Effect:**

☐ No Fiscal Effect	☐ Increase Existing Revenues	☒ Increase Costs
☒ Indeterminate	☐ Decrease Existing Revenues	☒ Yes ☐ No May be possible to absorb within agency's budget.
		☐ Decrease Costs

5. Fund Sources Affected:	6. Affected Ch. 20, Stats. Appropriations:
☒ GPR ☒ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S	20.435 (6) (jm)

7. **Local Government Fiscal Effect:**

☐ No Fiscal Effect	☐ Increase Revenues	☒ Increase Costs
☒ Indeterminate	☐ Decrease Revenues	☐ Decrease Costs

8. Local Government Units Affected:

☐ Towns ☐ Villages ☒ Cities ☒ Counties ☐ School Districts ☐ WTCS Districts ☐ Others:

9. **Private Sector Fiscal Effect (small businesses only):**

☐ No Fiscal Effect	☐ Increase Revenues	☒ Increase Costs
☒ Indeterminate	☐ Decrease Revenues	☐ Yes ☒ No May have significant economic impact on a substantial number of small businesses
	☐ Yes ☐ No May have significant economic impact on a substantial number of small businesses	☐ Decrease Costs

10. Types of Small Businesses Affected:

Community based residential care facilities, adult family homes, residential care apartment complexes, nursing homes, and facilities for the developmentally disabled

11. **Fiscal Analysis Summary**

State and county government operated, and privately owned nursing homes; facilities for the developmentally disabled; community-based residential facilities; adult family homes; and residential care apartment complexes are required to comply with s. 55.14, Stats., relating to involuntary administration of psychotropic medication to clients. Section 50.02 (2) (ad), Stats., requires the Department to promulgate rules that require these facilities to provide, to the Department, information necessary to determine the facilities' compliance with s. 55.14, Stats.

The proposed rules would require facilities to report the required information on forms provided by the Department at intervals determined by the Department. This would require the Department to review the information submitted by the facilities and may require the Department to conduct follow-up investigations to

determine compliance. Any costs associated with these increased responsibilities would be minimal and can be absorbed within the existing budget.

The Department estimates that it will take facilities an additional 15 minutes per client who receives involuntary administration of psychotropic medications, to provide the additional information; less if the facility does not administer psychotropic medications. Based on a 15 minute assessment per client, the direct salary and fringe cost of compliance should be about $8 annually per client who involuntarily receives the medication. The time required to complete the reports will increase incrementally with the number of individuals who are administered psychotropic medications involuntarily. The number of clients who may be subject to involuntary administration of psychotropic medication under s. 55.14, Stats., is unknown. All facilities are assumed to have adequate administrative or nursing personnel to comply with the proposed rule; there would not be a need to hire additional staff. The costs of compliance with the proposed rules for any facility should not increase operating expenditures, or decrease revenues by more than the 2006 consumer price index of 3.2 percent.

The costs identified above result from the creation of s. 50.02 (2) (ad) in 2005 Act 264, rather than this proposed rule.

12. **Long-Range Fiscal Implications**		
None known.		

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