

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer

Natwar M. Gandhi
Chief Financial Officer



MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi [signature]
Chief Financial Officer

DATE: December 21, 2004

SUBJECT: Fiscal Impact Statement: "Adult Protective Self-Neglect Expansion Temporary Act of 2004"

REFERENCE: Draft Legislation to be Introduced - No Bill Number Available

Conclusion

Funds are sufficient in the FY 2005 through FY 2008 budget and financial plan to implement the provisions of the proposed legislation. The Department of Health (DOH), the Department of Human Services (DHS), and other District agencies will be required to implement the proposed legislation from within their existing resources.

Background

The proposed legislation amends several definitions clarifying those persons who are in need of protection or legal and government intervention adding a population of eligible persons who are impacted by self-neglect.

The proposed legislation amends the Adult Protective Services (APS) so that when in the course of the investigation of a complaint it is determined that a person is an adult and impacted by self-neglect, the APS worker or DHS may:

- Petition the Court for appointment of a Guardian;
- Forward information to appropriate government agencies;
- Provide service to the extent possible; and
- Provide services with the consent of the person subject to APS and/or DHS intervention.

The proposed legislation requires DHS to widely publicize the telephone numbers and addresses of appropriate government personnel including law enforcement, social services, judicial officers, guardians and conservators for incapacitated adults, and others determined by the Mayor to be relevant to the needs of residents of nursing facilities.

The proposed legislation requires the Mayor to issue rules deemed necessary to carry out the purposes of the proposed legislation. In addition, the proposed legislation requires annual reporting to the Council of the District of Columbia on the number of complaints received, the number of cases filed, their current disposition, number of cases referred to the Court, court costs and other attributes currently described in the law.

The proposed legislation clarifies that DHS is exempt from all District fees associated with requesting and collecting records necessary to act on complaints received from facilities licensed by the District Department of Consumer and Regulatory Affairs. In addition, DHS will be entitled to expedited access to records that they request from District agencies.

Financial Plan Impact

Funds are sufficient in the FY 2005 through FY 2008 budget and financial plan to implement the provisions of the proposed legislation. Although a new population of persons in need of protection is being established in the law, existing operations and staff are sufficient to implement the bill on a discretionary basis. DOH, DHS and other District agencies will be required to implement the proposed legislation with their existing resources.

Federal and local anti-deficiency laws¹ prohibit District officers and employees from exceeding appropriations in any fiscal year. If funding is available to absorb any additional costs caused by implementing the proposed legislation, then the fiscal impact would be zero. For subsequent years, the additional expenditures must be included in the budget and financial plan.

¹31 USC § 1341 (2000) and D.C. Official Code § 47-355.01 *et sequitor* (2003).