

### Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-3829/1</b>	<b>Introduction Number</b> <b>AB-0750</b>	
<b>Description</b> Mandatory testing of prison inmates upon release for HIV or sexually transmitted diseases.		
<b>Fiscal Effect</b>		
<b>State:</b>		
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate		
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
<b>Local:</b>		
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b>		
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
<b>Affected Ch. 20 Appropriations</b>		
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
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**Fiscal Estimate Narratives**  
**DOC 3/10/2010**

LRB Number <b>09-3829/1</b>	Introduction Number <b>AB-0750</b>	Estimate Type <b>Original</b>
<b>Description</b> Mandatory testing of prison inmates upon release for HIV or sexually transmitted diseases.		

**Assumptions Used in Arriving at Fiscal Estimate**

Under this bill, a person who is being released from prison to extended supervision or parole or being released from prison upon the completion of his or her sentence must submit to testing to detect the presence of HIV or an STD. After release, as a condition of extended supervision or parole, generally 6-7 months after release, the offender would be tested again. If the offender is released after completion of a sentence (not released to Extended Supervision (ES) or parole), the person shall have the option of a test generally 6-7 months after release. The offender and the offender's spouse must be notified of the results, and DOC must offer counseling and education regarding transmission of HIV and STDs to the offender and the spouse.

Under current law, the current practice at DOC is to test inmates for the presence of HIV voluntarily at intake, and after intake, if an inmate or physician requests another test. If there is no exposure to risk of being infected with HIV, but an inmate still requests testing, inmates may receive up to two tests per year. Any inmate who requests testing before release may receive testing. Inmates are also tested on a voluntary basis at intake and after intake for the presence of STD's if testing is determined to be appropriate given the patient's medical history and symptoms.

The Department's current rate of HIV testing upon intake is approximately 90 to 92% of the inmate population. In calendar year 2008, the Department's prevalence rate for HIV or AIDs cases as a percentage of the custody population was .6%. The average for the midwest was .8%.

**Mandatory HIV & STD Testing of Inmates, Notification, Counseling and Education before Release from Prison:**

For purposes of this fiscal estimate, the Department of Corrections' (DOC) fiscal year (FY) 2008 inmate release statistics are assumed for calculation of staffing and funding needs. In FY 2008, 8,974 inmates meeting the above criteria were released from DOC facilities or contract jails. Inmate releases from the Wisconsin Resource Center (WRC) are excluded, as WRC is a DHS facility.

If it is assumed all 8,974 offenders will be re-tested before release from prison, health care staff will be required to collect blood samples, urine samples, and in the case of females, conduct a cervical exam, then prepare and ship samples to the State Lab of Hygiene for test completion. Upon receipt of the results, nursing and practitioner staff must review and initial all reports. Health care support staff must then forward test results to the inmate and the inmate's spouse. Of FY 2008 releases, 1,059 offenders were married or legally separated. Department practitioners must then provide education and counseling if the inmate and/or spouse elect to participate.

Using the above assumptions, the Department would need an estimated additional Variable Non-Food (VNF) funding amount of approximately \$300,000 for an estimated additional 7,600 contract medical staff hours. Approximately \$19,000 of Supplies & Services funding would be needed for shipping costs.

**Mandatory & Voluntary HIV & STD Testing of Offenders Released from Prison, Notification, Counseling and Education:**

If it is assumed that all offenders released from prison will be tested for the presence of HIV and STDs, it is estimated 9,104 offenders will receive testing again generally 6-7 months after release. This figure includes inmate releases from WRC, as DOC's Division of Community Corrections supervises inmates released from WRC.

It is anticipated that purchase of services funding (for testing, education & counseling) would be needed in addition to current purchase of service funding levels presently used for alcohol and other substance abuse treatment services, housing, and other services provided to offenders on community supervision. As the

Department or other state agencies do not have staff to collect samples or complete examinations for community offenders, or facilities which may accommodate sample collection and examinations, it is assumed the Department would contract with community health care provider(s) to provide these services and spouse notification services regarding test results.

Assuming the cost of an internal medicine clinical office visit is necessary for each male to collect necessary samples and complete necessary examinations, and the cost of a gynecologist clinical office visit is necessary for each female, the Department would need additional purchase of services funding of approximately \$1,367,000. The following costs are assumed for each office visit for sample collection and examinations:

Internal Medicine, plus Venipuncture Fee (Males) \$144.70

Gynecology, plus Venipuncture Fee (Females) \$217.70

It is unclear if any of the above costs would be covered, in part, by health insurance which some offenders may have. The extent to which pricing may be reduced from volume purchasing by the Department is also unclear at this time. It is assumed the State Lab of Hygiene's services would continue to be used for testing of samples and cultures, to minimize contract cost with community health care providers. However, the State Lab of Hygiene has indicated these additional tests (before release and in the community) may not be accommodated by their base GPR funding levels. It is assumed the contracted health care provider(s) would notify spouses and offenders of test results.

It should be further noted that costs associated with counseling and education are not included in the above estimate, since the Department cannot determine how many offenders and/or spouses may elect to participate. It is anticipated that the cost of each counseling and education visit would be similar to office visit costs quoted above.

Enforcement of mandatory HIV and STD testing of offenders on ES and Parole in the community may also result in increased prison admissions, in the event offenders refuse testing. Graduated sanctions would first be used to attempt to motivate the offender to complete testing. Offenders who refuse to submit to testing may be subject to revocation of supervision and return to prison.

The annual cost to supervise one offender on community supervision is approximately \$2600. The average FY 2009 annual cost for an inmate in a DOC institution is approximately \$31,800. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$4,900, based on FY 2009 costs. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at a rate of \$18,800 annually per person.

#### One Time Costs:

In order to ensure all offenders receive mandated testing under this bill, the Department assumes WICS, the Department's integrated information system, would need to be programmed to add a database to track which offenders received testing, when it was received, and also include necessary spouse contact information. The Department is unable to estimate at this time the one-time cost that would be incurred for this purpose.

#### Summary:

It is anticipated that mandatory testing of inmates before release from prison, and mandatory testing of offenders on ES or parole after release from prison, will result in cost increases to the Department of Corrections. The extent to which offenders currently get tested voluntarily prior to release may result in a partial offset of these increased costs.

Total Estimated Annualized Cost: \$1,686,000

#### **Long-Range Fiscal Implications**