

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3825-04  
Bill No.: HCS for HB 1839  
Subject: Drugs and Controlled Substances; Health Care; Health Department; Law  
Enforcement Officers and Agencies  
Type: Original  
Date: April 3, 2008

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Bill Summary: This legislation establishes “Christy’s Law” which requires all health care personnel involved in the examination of a rape victim to inform the victim of his or her right to be tested for a date rape drug.

This legislation adds guardians ad litem to the list of services that are given priority when determining how to spend moneys in the county family services and justice fund when families receive dispute resolution services from the family court.

This legislation provides for exceptions to the requirement of establishment of a new birth certificate following an adoption.

This legislation restricts the driver's license of a convicted sexual offender to no more than one year and revokes the license if the offender fails to register as required by law.

This legislation modifies various provisions regarding the termination of parental rights.

This legislation requires employers with twenty-five or more employees to transfer any child support payments withheld from employees to the family support payment center by electronic transfer.

The legislation changes the laws regarding the electronic storage of child support obligation records in the automated child support system.

This legislation modifies the requirements for the handling of reports of child abuse and neglect.

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 10 pages.

Bill Summary (continued):

The legislation authorizes the court to appoint a parenting coordinator upon the dissolution of a marriage to assist the parties in resolving parenting disputes.

This legislation gives third parties immunity from liability for reporting suspected child abuse to persons in charge or designated agents of medical institutions, school facilities, and public or private agency.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Child Support Enforcement Fund	\$521,100	\$521,100	\$521,100
Highway Fund	Will not exceed \$75,000	Will not exceed \$75,000	Will not exceed \$75,000
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>Will not exceed \$596,100</b>	<b>Will not exceed \$596,100</b>	<b>Will not exceed \$596,100</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Federal*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\*Income and costs of \$0 to (\$906,114) in FY09, \$0 to (\$913,128) in FY10 and \$0 to (\$914,686) in FY11 would net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<b>Local Government</b>	<b>Will not exceed \$25,000</b>	<b>Will not exceed \$25,000</b>	<b>Will not exceed \$25,000</b>

## FISCAL ANALYSIS

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### ASSUMPTION

Officials from the **Department of Mental Health, Missouri State Highway Patrol, Office of the State Courts Administrator, Office of Prosecution Services, Department of Health and Senior Services** and the **Department of Labor and Industrial Relations** each assume the proposal would have no fiscal impact on their respective agencies.

In response to a previous version of this proposal, officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Revenue (DOR)** state it is unknown how many of the 11,000 currently registered sex offenders or total amount of newly registered sex offenders would be applying for a new or renewal driver or nondriver license within the next 3 fiscal years to determine actual revenue impact.

**Oversight** will assume, for fiscal note purposes, that even if all offenders were in compliance and renewed licenses annually, that revenue from fees would not exceed \$100,000 in any given year covered in the scope of this fiscal note. Of this revenue, 75% is distributed to the Highway Fund and 25% is distributed to Cities and Counties.

This legislation will require programming changes to the Missouri Electronic Driver License (MEDL) also referred to as Over The Counter (OTC) software and supporting applications. These programming changes will need to be designed and tested.

ASSUMPTION (continued)

DLB - FY09: 40 (Estimated hours for project completion) X \$100 (Hourly rate for an OTC contractor) = \$4,000 Total Fiscal Impact

**Oversight** assumes the DOR could absorb the \$4,000 programming changes costs.

Office of Administration Information Technology (ITSD/DOR) estimates that this legislation could be implemented utilizing 1 existing CIT III's for 2 month at a rate of \$4,186. Office of Administration Information Technology (ITSD/DOR) estimates the IT portion of this request can be accomplished within existing resources; however; if priorities shift, additional FTE/overtime would be needed to implement.

Officials from the **Department of Social Services** state the following:

Section 191.220:

In FY07 the MO HealthNet Division (MHD) paid for 2,800 initial visits through the fee for service program for treatment associated with a primary diagnosis of sexual abuse. Approximately 40 of these individuals received a lab test that could have tested for date rape drugs. It is assumed that if health providers were required to inform rape victims that the drug test is available to them that additional victims will request and receive the test though it is not known how many would request the test.

The fiscal impact for this legislation is a range based on the cost if no additional rape victims requested and were provided the test and if all rape victims requested and were provided the test:  $2,800 - 40 = 2,760 \times \$19$  (average cost lab test) = \$0 to \$52,440 annual cost for FY09.

The fiscal impact in FY09 (10 months) would be \$0 to \$43,700 (\$16,086 GR); in FY10 \$0 to \$54,800 (\$20,172 GR); and in FY11 \$0 to \$57,266 (\$21,080 GR). A 4.5% inflation factor was applied to FY10 and FY11.

Section 454.530:

Under the Family Support Payment Center (FSPC) contract, the state saves \$1 each time a collection is made electronically, rather than by paper check. During SFY07, the FSPC receipted over two million employer paper check payments. Of the two million paper payments, the Division estimates that approximately 1.4 million would be converted to electronic payments under the proposed legislation. However, since the FSPC contract is administered by the Department of Revenue (DOR), any cost savings achieved by requiring employers to remit support payments electronically should be identified by DOR.

ASSUMPTION (continued)

Officials from the **Department of Public Safety (DPS)** states the Department is basing their assumptions on information provided to the Department from the Department of Health and Senior Services (DHSS) from their original fiscal note provided in version -01, and from information provided requested directly from the DHSS.

Because this function has not transferred to DPS as of yet, and DPS does not know the specifics of these functions, the Department is making assumptions only on the costs of the kits/lab fees for this request. The DPS sees other DHSS assumptions made regarding notification/payment of reimbursement, etc., and feel they may still apply.

Through January/2008, DHSS has reimbursed for 450 forensic examinations, and 55 of these have included tox screens.

Test cost information provided to DHSS has been anywhere from \$12.00 to \$80.00 per test, depending on the number of drugs they are screening for. Language regarding the drugs they would test for has been adjusted from Version -01, but still includes "but not limited to," thus there could be screening done for drugs not listed in the current version.

DPS therefore shows the cost for this fiscal note request as Unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
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**GENERAL REVENUE FUND**

<u>Costs</u> - Department of Public Services Program Costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
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**HIGHWAY FUND**

<u>Income</u> - Department of Revenue Increased Driver's License Fees	<u>Will not exceed</u> <u>\$75,000</u>	<u>Will not exceed</u> <u>\$75,000</u>	<u>Will not exceed</u> <u>\$75,000</u>
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<b>ESTIMATED NET EFFECT ON HIGHWAY FUND</b>	<b><u>Will not exceed</u></b> <b><u>\$75,000</u></b>	<b><u>Will not exceed</u></b> <b><u>\$75,000</u></b>	<b><u>Will not exceed</u></b> <b><u>\$75,000</u></b>
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**CHILD SUPPORT ENFORCEMENT  
FUND**

<u>Savings</u> - Department of Social Services Filing Electronic Payments	<u>\$521,100</u>	<u>\$521,100</u>	<u>\$521,100</u>
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<b>ESTIMATED NET EFFECT ON CHILD SUPPORT ENFORCEMENT FUND</b>	<b><u>\$521,100</u></b>	<b><u>\$521,100</u></b>	<b><u>\$521,100</u></b>
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## **FEDERAL FUNDS**

### Savings - Department of Social Services

Filing Electronic Payments	\$878,500	\$878,500	\$878,500
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### Income - Department of Social Services

Federal Assistance	\$0 to \$27,614	\$0 to \$34,628	\$0 to \$36,186
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### Costs - Department of Social Services

Laboratory Tests Costs	\$0 to (\$27,614)	\$0 to (\$34,628)	\$0 to (\$36,186)
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Reimburse Federal Fund	(\$878,500)	(\$878,500)	(\$878,500)
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<u>Total Costs</u> - DOS	<u>\$0 to (\$906,114)</u>	<u>\$0 to (\$913,128)</u>	<u>\$0 to (\$914,686)</u>
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## **ESTIMATED NET EFFECT ON FEDERAL FUNDS**

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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### FISCAL IMPACT - Local Government

FY 2009 (10 Mo.)	FY 2010	FY 2011
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## **POLITICAL SUBDIVISIONS**

### Income - Cities and Counties

Increased Driver's License Fees	<u>Will not exceed</u> \$25,000	<u>Will not exceed</u> \$25,000	<u>Will not exceed</u> \$25,000
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## **ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS**

<u>Will not exceed</u> <u>\$25,000</u>	<u>Will not exceed</u> <u>\$25,000</u>	<u>Will not exceed</u> <u>\$25,000</u>
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### FISCAL IMPACT - Small Business

The proposed legislation may have an impact on hospitals and other public and private laboratories as a result of additional testing needed for the presence of a date rape drug.

Possibly the contract offices will see an increase in issuance of driver license due to the limitation of a one year license to an applicant who appears on the sex offenders registry.



## FISCAL DESCRIPTION

### Section 191.220:

The proposed legislation establishes Christy's Law which requires all health care personnel involved in the examination and treatment of a rape victim to inform the victim of his or her right to be tested for the presence of a date rape drug. The drug test results will be included with all other evidence and results gathered during the examination. The Department of Health and Senior Services may establish rules to implement the provisions of the legislation.

### Section 302.177:

This proposed legislation restricts the driver's license of a convicted sexual offender to one year unless the license is issued for a shorter period of time due to other requirements of law. The fee for the one-year license will be \$7.50.

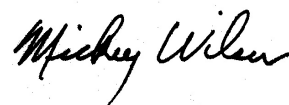
### Section 454.530:

The proposed legislation requires employers with 25 or more employees to transfer any child support payments withheld from an employee's paycheck to the Family Support Payment Center by electronic transfer.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

## SOURCES OF INFORMATION

Department of Mental Health  
Department of Labor and Industrial Relations  
Missouri State Highway Patrol  
Office of the Secretary of State  
Department of Health and Senior Services  
Department of Social Services  
Office of the State Courts Administrator  
Office of Prosecution Services  
Department of Revenue  
Department of Public Safety



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