

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5035-01
Bill No.: HB 2106
Subject: County Officials; Health Care; Health Care Professionals; Health Department;
Physicians
Type: Original
Date: March 3, 2008

Bill Summary: This legislation makes various changes regarding anatomical gifts.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

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

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

☐ 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
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Attorney General, Office of Administration - Administrative Hearing Commission, Office of State Courts Administrator, Department of Public Safety - Director's Office, Missouri Department of Conservation** and **Springfield Police Department** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Department of Revenue (DOR)** assume the proposal 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. Fiscal impact for FY09: 40 Estimated hours for project completion (requirements and system testing) X \$100 Hourly rate for a OTC contractor = \$4,000.

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

Oversight assumes the DOR could absorb the \$4,000 contractor costs related to this proposal. Oversight assumes any significant fiscal impact due to this proposal would be reflected in future budget request.

In response to a similar proposal from this year (SB 1139), officials from the **Department of Corrections (DOC)** state the DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitment depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through either incarceration (FY07 average of \$41.21 per inmate per day or an annual cost of \$15,040 per inmate) or through supervision provided by the Board of Probation and Parole (FY07 average of \$2.43 per offender, per day or an annual cost of \$887 per offender per year).

ASSUMPTION (continued)

Supervision by the DOC through probation or incarceration would result in additional unknown costs to the Department. Seven persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

Oversight assumes, because the potential for incarceration and/or probation costs are speculative, that the DOC will not incur significant costs related to this proposal. If a fiscal impact were to result, the DOC may request additional funding through the appropriations process.

Officials from the **Department of Health and Senior Services (DHSS)** state the Department currently has an organ donor registry that is modifiable to accommodate the components of the proposed legislation. Major modifications will need to be done to the current registry in order to comply with the Uniform Anatomical Gift Act. The Department recently secured a grant that will be used to help pay for modifying the registry as outlined in this legislation. Between the grant and other core funding from the Organ Donor Program fund, the Department anticipates that the necessary updates to the existing organ donor registry can be absorbed with core funding.

An extensive educational effort will need to be conducted to inform the public about all of the changes to the Uniform Anatomical Gift Act, first person consent law changes, revocation of gift(s), and first person consent registry implementation. A variety of media will be used including information disseminated through high school newspapers, electronic bulletin boards, and peer teaching; public service announcements; press releases; letter campaign to those currently enrolled in the intent registry; newspaper ads and/or articles; and radio and television public service announcements.

If the Uniform Anatomical Gift Act legislation is passed, the Mid-America Transplant Services (MTS) and the Mid-West Transplant Network (MTN) has agreed to assist the Department in the transition from a intent registry to a consent registry, including offering both private financial assistance to help cover the costs of the transition, as well as their experience with working with other states that have already made this transition. Based on the commitment received by MTS and MTN, the Department assumes implementing this legislation would not result in a fiscal impact to the Department.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

The proposal may impact small business funeral homes or directors and other organizations that accept whole-body or willied-body donations.

FISCAL DESCRIPTION

The proposed legislation states the Department of Health and Senior Services shall establish a first person consent organ and tissue donor registry. Any individual who agrees to have his or her name in the registry has given full legal consent to the donation of any of his or her organs or tissues upon death and as recorded in the registry. An individual may withdraw consent to be listed in the registry. The Department and the Department of Revenue shall advise the individual that he or she is under no obligation to have his or her name in the registry. This legislation also encourages and establishes standards for donor registries.

This legislation facilitates donations by expanding the list of those who may make an anatomical gift for another individual during that individual's lifetime to include healthcare agents and under some circumstances, parents or guardians. Minors who are of age to apply for a driver's permit or license are allowed to agree to donate an organ with parental consent noted on a donor card, application, driver's license or other gift document.

This legislation also facilitates donations from a deceased individual who made no lifetime choice by adding to the list of persons who can make a gift of the deceased individual's body or parts. Such persons added to the list include: the person who was acting as the decedent's agent under a power of attorney for healthcare at the time of the decedent's death, the decedent's adult grandchildren.

FISCAL DESCRIPTION (continued)

This legislation also permits an anatomical gift by any member of a class where there is more than one person in the class so long as no objections by other class members are known and, if an objection is known, permits a majority of the members of the class who are reasonably available to make the gift without having to take account of a known objection by any class member who is not reasonably available.

Numerous default rules for the interpretation of a gift document are added for those documents lacking specificity regarding either the persons to receive the gift or the purpose of the gift or both. This legislation provides that anatomical gifts made under the laws of other jurisdictions shall be recognized. Allowances are made for electronic records and signatures with respect to gift donations and consent.

This legislation provides for the donation of specific anatomical parts to named persons and more generally to eye banks, tissue banks, and organ or cadaver procurement organizations. This legislation also outlines a priority for transplantation or therapy over research or education when an anatomical gift is made for all four purposes in a gift document that fails to establish a priority. Criminal sanctions are added for falsifying the making, amending, or revoking of an anatomical gift.

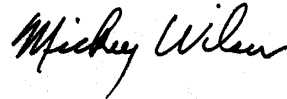
In addition, this legislation provides that a coroner or medical examiner shall cooperate with a procurement organization to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. A procurement organization includes eye banks and tissue banks. The procedure for delivering the body or for removing a part from the body for purposes for transplantation, therapy, research, or education are prescribed under the legislation.

A person who acts in accordance with the provisions of the Uniform Anatomical Gift Act or with the applicable anatomical gift law of another state or attempts in good faith to do so is not liable for act in any civil action, criminal or administrative proceeding.

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

Office of Attorney General
Office of Administration - Administrative Hearing Commission
Office of State Courts Administrator
Department of Corrections
Department of Health and Senior Services
Department of Revenue
Department of Public Safety - Director's Office
Missouri Department of Conservation
Springfield Police Department

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
March 3, 2008