

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1560-06
Bill No.: HCS for HB 707
Subject: Fire Protection; Health Care; Health Department; Nursing and Boarding Homes
Type: Original
Date: April 6, 2009

Bill Summary: This legislation requires smoke alarms to be installed in each resident room and any room designated for sleeping in a long-term care facility until such time as the required sprinkler system is installed.

This legislation allows the executive officer of any public safety agency to enter into a mutual-aid agreement for reciprocal emergency aid and specifies that the department of public safety will administer the system.

This legislation would require assessors to keep the identifying information and address of certain peace officers and their families confidential upon request by such officers or their families.

This legislation authorizes the City of St. Ann to impose a one percent sales tax for public safety upon voter approval.

This legislation changes the laws regarding protections for vulnerable adults and children and transfers the Division of Aging to the Department of Health and Senior Services.

This legislation adds an exemption to the requirement for obtaining a blasting license for individuals explosive materials in conjunction with a well screen cleaning device to unblock clogs.

This legislation requires entry of service information into the Missouri uniform law enforcement system within twenty-four hours after an ex parte order is served.

This legislation makes stealing or receiving stolen firearms or explosive weapons a felony regardless of the value.

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 24 pages.

This legislation revises the crime victims compensation fund to allow for compensation for property damage.

This legislation requires all law enforcement, ambulance, and fire protection agencies to remove all emergency lights, sirens, and decals from vehicles before selling or consigning them.

This legislation requires certification of law enforcement canine teams.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	(\$1,669,811)	(\$1,076,686)	(\$1,098,802)
Total Estimated Net Effect on General Revenue Fund	(\$1,669,811)	(\$1,076,686)	(\$1,098,802)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
State School Moneys Fund*	\$0	\$0	\$0
Criminal Records Fund	\$3,234,000	\$501,600	\$501,600
Crime Victims Compensation Fund	(Could exceed \$3,675,000)	(Could exceed \$3,675,000)	(Could exceed \$3,675,000)
Total Estimated Net Effect on Other State Funds	(Could exceed \$441,000)	(Could exceed \$3,173,400)	(Could exceed \$3,173,400)

*Unknown savings and losses would net to \$0.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	17 FTE	18 FTE	18 FTE
Total Estimated Net Effect on FTE	17 FTE	18 FTE	18 FTE

☐ 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 2010	FY 2011	FY 2012
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Section 44.090:

In response to a similar proposal from this year (HB 103), officials from the **Office of the Governor** assume the proposal would have no fiscal impact on their agency.

Officials from the **Department of Transportation, Department of Public Safety - Director's Office, Division of Fire Safety** as well as the **Missouri State Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Office of 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.

In response to a similar proposal from this year (HB 103), officials from the **Clark County Sheriff's Office, Columbia Police Department**, and the **Kansas City Police Department** did not respond to our request for fiscal impact.

Section 53.201 (In response to a similar proposal from this year, HB 1034):

Officials from the **County of Cass** and the **St. Louis County Government** each assume the proposal would have no fiscal impact on their respective agencies.

ASSUMPTION (continued)

Section 94.903 (In response to a similar proposal from this year, HB 790):

Officials from the **Department of Revenue** assume the proposal will not fiscally impact their agency.

Officials from the **City of St. Ann** assume the proposal would have no fiscal impact unless it is approved by voters. If approved, it would replace existing sales taxes, resulting in a net increase of \$100,000 per year.

Oversight assumes this proposal is enabling legislation and would have no fiscal impact unless the governing body would request the voters of their city approve the imposition of a sales tax. Should voters approve the imposition of a sales tax, the city could expect revenue to be generated and there would be costs of providing public safety programs. **Oversight** assumes the Department of Revenue would collect the sales tax and retain a 1% collection fee which would be deposited into the State's General Revenue Fund.

Oversight assumes the annual St. Ann Public Safety Sales Tax Fund balance would be either a positive unknown or zero.

Oversight has no way to determine if any city would receive voter approval to impose a public safety sales tax; therefore, for the purposes of this fiscal note fiscal impact will be shown as zero.

Sections 192.925, 192.2000, 192.2001, 192.2003, 192.2006, 192.2009, 192.2012, 192.2015, 192.2020, 192.2025, 192.2030, 192.2033, 192.2035, 192.2040, 192.2100, 192.2103, 192.2106, 192.2109, 192.2112, 192.2115, 192.2118, 192.2121, 192.2124, 192.2127, 192.2130, 192.2150, 192.2153, 192.2175, 192.2178, 192.2181, 192.2184, 192.2187, 192.2200, 192.2203, 192.2206, 192.2209, 192.2212, 192.2215, 192.2218, 192.2221, 192.2224, 192.2227, 192.2250, 192.2253, 198.006, 198.090, 198.532, 198.700, 198.703, 198.705, 198.708, 208.909, 210.900, 210.906, 565.180, 565.182, 565.184, 565.188, 565.200, 570.223, 660.010:

Officials from the **Department of Labor and Industrial Relations, Office of Prosecution Services, Office of the State Courts Administrator** and the **Department of Public Safety** each assume the proposal would have no fiscal impact on their respective agencies.

Officials from the **Office of the Attorney General (AGO)** assume any potential costs arising from this proposal can be absorbed with existing resources. However, if this proposal is combined with other similar proposals or results in multiple cases, the AGO would seek additional appropriations to handle the increase in workload.

ASSUMPTION (continued)

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 Mental Health (DMH)** state none of the provisions contained in this legislation appear to create any obligation or requirement for the DMH that would result in a fiscal impact.

Officials from the **Office of Administration-Administrative Hearing Commission (AHC)** anticipates that this legislation will not significantly alter the AHC caseload. However, if other similar bills also pass, there will be fiscal impact. If there are more cases, or more complex cases, there could be fiscal impact.

Officials from the **Department of Social Services** state there is some clarifying language in Section 192.2181.5 regarding authorized nurse visits for in-home clients. The legislation does not change the twice annual frequency of such visits. Therefore, this provision has no impact on MO HealthNet benefits. None of the other provisions has a direct fiscal impact to the Department. Much of the legislation is "clean-up" language for the transfer of the Division of Aging from DSS to DHSS, which has already been implemented. The rest of the legislation mainly affects Department of Health and Senior Services and law enforcement.

Officials from the **Office of the State Public Defender (SPD)** state for purposes of the proposal, the SPD cannot assume existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with the proposed new crimes or faced with enhance penalties for the following:

- False reporting of elder abuse which would become a Class A misdemeanor

ASSUMPTION (continued)

- Abuse or neglect of an in home services client, patient, or resident or consumer which would become an A misdemeanor
- Concealing abuse would become a Class D Felony
- A false report of financial exploitation of the elderly would become a D felony
- Sexual contact with a resident of a nursing home would become a Class A misdemeanor, subsequent offences would become D felonies.

While the number of new cases may be too few or uncertain to request additional funding for this specific proposal, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all of the SPD cases.

Oversight assumes the SPD could absorb the additional caseload that may result from this proposal within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget request.

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 offense(s) outlined in this proposal. An increase in commitments 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 direct offender cost through either incarceration (FY08 average of \$15.64 per offender per day or an annual cost of \$5,709 per inmate) or through supervision provided by the Board of Probation and Parole (FY08 average of \$2.47 per offender, per day or an annual cost of \$902 per offender per year).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the Department. Eighteen (18) 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.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the Department of Revenue to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of

funding received through the formula the following year; unless the affected districts are

ASSUMPTION (continued)

hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Oversight notes that local school districts would see an increase in fine revenue as a result of this proposal. As stated by DESE, this fine revenue would be a deduction the next year for some of the school districts. Oversight assumes an unknown amount of revenue would be realized each year by school districts and a corresponding decrease in school funding from the state the following year. Oversight assumes the fine revenue will fluctuate from year to year, therefore, the net fiscal impact to local school districts from FY 2009 on could be Unknown to (Unknown).

Officials from the **Missouri State Highway Patrol** state according to the Department of Health and Senior Services, the estimated number of persons that are currently employed and will be subject to this new legislation is approximately 228,000. Approximately 100,000 of these 228,000 employees have had background checks performed pursuant to other statutory requirements and will not be part of the initial check process stipulated in this proposed legislation (228,000 - 100,000 = 128,000).

Additionally, it is assumed there will be a 10% turnover rate for these healthcare workers; therefore, 22,800 additional background checks will be needed annually. Each background check costs \$20.00 for the state fingerprint check and an additional \$19.25 for the nationwide federal check. Of which, the state pays the FBI \$17.25.

(228,000 employees x .10 = 22,800 employees.)
(22,800 employees x \$39.25 = \$ 894,900)

Estimated Revenue for FY10:

128,000 healthcare workers x \$39.25 (state/federal background check)	\$ 5,024,000
19,000 (22,800/12 x 10 months) healthcare workers x \$39.25	\$ 745,750
FY10 Total	\$ 5,769,750

Estimated Expense for FY10:

128,000 healthcare workers x \$17.25 (federal background check charge)	(\$ 2,208,000)
19,000 (22,800/12 x 10 months) healthcare workers x \$17.25	(\$ 327,750)
FY10 Expense Total	(\$ 2,535,750)

Estimated Revenue for FY11 & FY12:

22,800 employees x \$39.25 \$ 894,900

ASSUMPTION (continued)

Estimated Expense for FY11 & FY12:

22,800 employees x 17.25 (\$ 393,300)

In response to a similar proposal from this year (HB 926), officials from the **Department of Health and Senior Services (DHSS)** assume the changes in Section 192.2178 will require hospitals, long-term care facilities, and adult day care providers to utilize the Family Care Safety Registry (FCSR) in order to obtain required background screening information, to include the Department of Mental Health Employee Disqualification Registry.

The Missouri Hospital Association (MHA) estimates that there are 140,593 individuals employed in hospitals. Because these employees are not currently required to register with the FCSR, most of these individuals will be required to be registered and be screened initially by the FCSR. MHA estimated that no more than 10 percent of hospitals currently use the FCSR. Based on this, DHSS assumes the remaining 90 percent or 126,534 (140,593 X 90 percent) must be registered and screened initially.

In addition, MHA's 2006 Workforce Survey information indicates an annual turnover rate of 7.6 percent. This is rounded to eight percent for computation purposes. Based on this turnover rate and assuming steady total hospital employment of 140,593; 11,247 (140,593 X 8 percent) will be required to be screened annually.

DHSS estimates that there are 87,329 long-term care and adult day care employees providing services. Although most, if not all, of these individuals are already registered, DHSS estimates that few of these providers (employers) currently use the FCSR to obtain background screenings. Based on an estimated 80 percent turnover rate, 69,863 (87,329 X 80 percent) individuals employed by long-term care and adult day care providers will be required to be screened annually.

DHSS estimates that one Health Program Representative (HPR) II and 0.5 Office Support Assistant (Keyboarding) (OSA) are required to process 12,000 registrations and background screenings each year.

First Year (Fiscal Year 2010):

Registration with Family Care Safety Registry (FCSR) - Employee initiated per Section 210.909, RSMo.:

Hospital staff - -DHSS estimates there will be 126,534 (140,593 X 90 percent) hospital employees that will register the first year. 126,534 registrations/ 12,000 = 10.54, rounded to 10.

10 HPR II FTE (10 X 1 FTE) and five OSA FTE (10 X 0.5 FTE), or 30 temporary employees.

ASSUMPTION (continued)

Screenings with FCSR - Employer initiated:

Hospital staff - -DHSS estimates there will be 126,534 employer requested screenings.
Long-Term Care (LTC) staff- - DHSS estimates: 87,329 employer requested screenings.
Therefore, DHSS estimates a total of 213,863 employer requested screenings during the first year.

$213,863 \text{ screenings} / 12,000 = 17.82$, rounded to 17. 17 HPR II FTE (17 X 1 FTE) and 8.5 OSA FTE (17 X 0.5 FTE).

Postage costs to notify the employees and employers of the FCSR is estimated as follows:

126,534 registration letters to the hospital employees
0 registrations for LTC employees (LTC employees are currently registered with FCSR)
126,534 screenings letters to hospital employers
126,534 screening letters to hospital employees
87,329 LTC screening letters to the employers
87,329 LTC screening letters to the employees
554,260 total letters for registration and screenings for the first year
 $554,260 \times \$0.325 = \$180,135$

Second and Subsequent Years:

Registration with Family Care Safety Registry (FCSR) - Employee initiated per:

Hospital staff - -DHSS estimates there will be 11,247 (140,593 x 8 percent turnover) new hospital employees that will register each year after the initial year. $11,247 \text{ registrations} / 12,000 = 0.937254$, rounded to one. One HPR II FTE and 0.5 OSA FTE (1 X 0.5 FTE).

Screenings with FCSR - Employer initiated:

Hospital staff - -DHSS estimates there will be 11,247 employer requested screenings.
Long-Term Care (LTC) staff- - DHSS estimates: 69,863 employer requested screenings.
Therefore, DHSS estimates a total of 81,110 employer requested screenings during for every year after the initial year.

$81,110 \text{ additional screenings} / 12,000 = 6.759$, rounded to seven. Seven HPR II FTE (7 X 1 FTE) and 3.5 OSA FTE (7 X 0.5 FTE)

Postage costs to notify the employees and employers of the FCSR is estimated as follows:

11,247 registration letters to the hospital employees

0 registrations for LTC employees (LTC employees are currently registered with FCSR)
ASSUMPTION (continued)

11,247 screenings letters to hospital employers
11,247 screening letters to hospital employees
81,110 LTC screening letters to the employers
81,110 LTC screening letters to the employees
195,961 total letters for registration and screenings for the every year after the initial year.
195,961 X \$0.325 = \$63,687.33

DHSS assumes that the Department of Public Safety (DPS) will include the estimates for increased revenue into their fund in the DPS fiscal note worksheet.

Oversight assumes the DHSS will only require 8 Health Program Rep. II FTE's in FY10, FY11 and FY12 and 4 Office Support Assistant FTE's in FY10, FY11 and FY12. Oversight assumes the DHSS will require the help of temporary staff in the first year of registration.

Sections 198.074 & 198.075:

Officials from the **Office of Administration-Administrative Hearing Commission** and the **Department of Social Services** each assume the proposal would have no fiscal impact on their respective agencies.

Officials from the **Department of Mental Health (DMH)** state the DMH has no facilities covered under Section 198; therefore, anticipates no fiscal impact.

Officials from the **Department of Public Safety - Division of Fire Safety** states the Division currently is required to inspect long-term care facilities, of which there are approximately 1,200 in the state of Missouri. The cost of installing the smoke alarms in the sleeping rooms of the residential care facilities would be assumed by the facility owner. Therefore, the Division of Fire Safety is not fiscally impacted by this change in the law.

In response to a similar proposal from this year (HB 707), officials from the **Department of Health and Senior Services (DHSS)** state the DHSS fiscal note response to SS SCS HCS HB 952 and 674 (FN 2306-11T) passed during the 2007 legislative session indicated an Unknown, greater than \$100,000 impact for the General Revenue Fund and an Unknown impact for the Fire Safety Standard Loan Fund. The Unknown impact on the Fire Safety Standard Loan Fund indicated last year, is still appropriate. With the potential for additional loan applications to process, loan tracking, monitoring of repayments, etc., there would also be an increase in costs to General Revenue for administrative purposes. This impact would also continue to be Unknown, greater than \$100,000 as reported in the 2008 fiscal note. The amount however, would be at an increased unknown amount.

ASSUMPTION (continued)

Oversight assumes this legislation clarifies the language passed in SS SCS HCS HB 952 and 674. Oversight assumes any fiscal impact was included in FN 2306-11T and therefore, assumes DHSS would not be fiscally impacted by this change in law. If a fiscal impact were to result, the DHSS may request additional funding through the appropriations process.

Section 287.067:

Officials from the **Missouri State Highway Patrol** states even though the Highway Patrol is included under Chapter 590, because Section 287.067.6 states “paid police officers of a paid police department”, the Highway Patrol assumes no fiscal impact to its state troopers.

Section 319.306, 319.321 & 321.227:

Officials from the **Department of Public Safety** assume the proposal would have no fiscal impact on their agency.

In response to a similar proposal from this year (HB 197), officials from the **Department of Agriculture** and the **Department of Natural Resources** each assume there will be no fiscal impact to their respective agencies.

Officials from the **Department of Public Safety - Division of Fire Safety** currently has a Blast Safety Program which licenses blasters and blasting companies. This proposal indicates that individuals who use explosive materials solely for cleaning well screens be exempt from licensure. The division currently has two such individuals licensed.

The division currently has two individuals licensed who would fall into this exemption. Due to the \$500 annual reporting fee, the Explosives Safety Fund (0804) would receive \$1,000 less revenue annually.

Oversight assumes the loss is minimal and therefore assumes there is no fiscal impact to this agency.

Section 455.038:

Officials from the **Department of Public Safety – Director’s Office** and the – **Missouri State Highway Patrol** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

ASSUMPTION (continued)

In response to a similar proposal from this year (HB 897), officials from the **Boone County Sheriff's Department** assume there would be a minimal one-time cost associated with initial training of weekend warrant specialists to make such entries.

Oversight assumes any impact to local governments would be minimal and could be absorbed with existing resources. Oversight will indicate no fiscal impact for this fiscal note.

In response to a similar proposal from this year (HB 897), officials from the **Buchanan County Sheriff's Department, Clark County Sheriff's Department, Greene County Sheriff's Department, Jackson County Sheriff's Department, Platte County Sheriff's Department, St. Louis County Sheriff's Department, and the St. Louis Metropolitan Police Department** did not respond to Oversight's request for fiscal impact.

Sections 570.030 & 570.080:

In response to a similar proposal from this year (HB 230), officials from the **Missouri State Water Patrol, Missouri State Alcohol and Tobacco Control and the Capitol Police** each assume the proposal would have no fiscal impact on their respective agencies.

Officials from the **Department of Public Safety, Office of the State Courts Administrator, Division of Fire Safety, Office of Prosecution Services and the Missouri State Highway Patrol** each assume the proposal would have no fiscal impact on their respective agencies.

Officials from the **Office of the State Public Defender (SPD)** state for purposes of the proposal, the SPD cannot assume existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with the proposed enhanced crime of stealing or receiving stolen firearms or explosive weapons which would become a felony regardless of the value.

While the number of new cases may be too few or uncertain to request additional funding for this specific proposal, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all of the SPD cases.

Oversight assumes the SPD could absorb the additional caseload that may result from this proposal within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget request.

Officials from the **Department of Corrections (DOC)** state the DOC, cannot predict the number of new commitments which may result from the enhancement of the offense(s) outlined in this

ASSUMPTION (continued)

proposal. An increase in commitments 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 direct offender cost through either incarceration (FY08 average of \$15.64 per inmate per day or an annual cost of \$5,709 per inmate) or through supervision provided by the Board of Probation and Parole (FY08 average of \$2.47 per offender, per day or an annual cost of \$902 per offender per year).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the Department. Eighteen (18) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime and the fact they could have already been charged with a similar or potentially more serious offense, it is assumed the impact would be less than \$100,000 per year for the DOC.

Sections 595.010 - 595.065:

Officials from the **Office of Administration-Administrative Hearing Commission, Office of Administration-Budget and Planning** and the **Department of Labor and Industrial Relations** each assume the proposal would have no fiscal impact on their respective agencies.

Officials from the **Department of Public Safety** state this legislation will have a significant impact on the Crime Victims' Compensation Program, both in number of claims processed, and in total dollars of claims paid out against the Crime Victims' Compensation (CVC) Fund.

Over a nine year period, CVC claims have averaged 2,205. For purposes of determining the fiscal impact we are estimating a 1/3 increase in number of claims, or an increase of approximately 735 claims per year.

The Department is also estimating a payout of \$5,000 per claim, which the Department feels is a conservative estimate per claim. Based on these numbers, 735 claims per year X \$5,000 per claim, the CVC fund would be paying out an additional \$3,675,000 per year plus since this is what the Department considers a conservative estimate.

The Departments cost assumption is based on the addition of (5) FTE, and the Department is basing the payroll amount at Range 14-Step D, which would be a Workers' Compensation Technician II's pay at the end of our probationary period. The Department has also included associated one-time and ongoing costs for the additional (5) FTE.

ASSUMPTION (continued)

The Office of the Director would not be able to house the additional (5) FTE, therefore, the Department will have additional square footage needs. The Department has not researched the space costs at this point.

Section 650.465:

In response to a similar proposal from this year (HB 441), officials from the **Missouri State Water Patrol, Boone County Sheriff's Department, Creve Coeur Fire District** and the **Columbia Police Department** each assume there will be no fiscal impact to their respective agencies.

Officials from the **Missouri State Highway Patrol** and the **Division of Fire Safety** each assume there will be no fiscal impact to their respective agencies.

Sections 650.600 - 650.612:

Officials from the **Department of Public Safety (DPS)** state this legislation, and thus requirement for additional FTE would be effective July 1, 2011. This startup in 2011 is reflected in our costs on the fiscal estimate worksheet.

This new program will require the additional of a Program Manager I as POST cannot take on these additional responsibilities without an extra FTE to support it.

The salary for Program Representative I is in Range 18, beginning at \$1,191.50 semi-monthly salary, increasing to \$1,233.50 at the end of the 6 month probationary period. There is also an advance to Program Representative II after two years, which would take this position to Range 22 and the pay rate to \$1,443.50 semi-monthly salary.

Also included are expenses to initially set up this new FTE, and some costs are for the first year only, i.e. equipment costs.

Officials from the **Office of 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

ASSUMPTION (continued)

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.

In response to a similar proposal from this year (HB 149), officials from the **St. Joseph Police Department** assume there could be an expense to their agency to comply with the proposal.

In response to a similar proposal from this year (HB 149), officials from the **Columbia Police Department, St. Louis Metropolitan Police Department, and the Kansas City Police Department** did not respond to our request for fiscal impact.

Oversight assumes some local law enforcement agencies may incur training and certification expense as a result of this proposal. Oversight has reflected this costs to local law enforcement agencies as a range of \$0 to negative 'Unknown.'

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
GENERAL REVENUE FUND			
<u>Savings</u> - Department of Elementary and Secondary Education*			
Reduced appropriations to the State School Moneys Fund (from deduction of fine revenue from previous year)	\$0	Unknown	Unknown
<u>Costs</u> - Department of Public Safety			
Personal Service (1 FTE)	(\$107,841)	(\$164,151)	(\$169,075)
Fringe Benefits	(\$52,443)	(\$79,827)	(\$82,221)
Expense and Equipment	(\$44,510)	(\$12,656)	(\$4,793)
<u>Total Costs - DPS</u>	<u>(\$204,794)</u>	<u>(\$256,634)</u>	<u>(\$256,089)</u>
FTE Change - DPS	5 FTE	6 FTE	6 FTE
<u>Costs</u> - Department of Corrections			
Incarceration/probation costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs</u> - Department of Health and Senior Services			
Personal Service	(\$686,220)	(\$376,934)	(\$388,242)
Fringe Benefits	(\$333,709)	(\$183,303)	(\$188,802)
Equipment and Expense	(\$345,088)	(\$159,815)	(\$165,669)
<u>Total Costs - DHSS</u>	<u>(\$1,365,017)</u>	<u>(\$720,052)</u>	<u>(\$742,713)</u>
FTE Change - DHSS	12 FTE	12 FTE	12 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND*	<u>(\$1,669,811)</u>	<u>(\$1,076,686)</u>	<u>(\$1,098,802)</u>
Estimated Net FTE Change for General Revenue Fund	17 FTE	18 FTE	18 FTE

*Oversight assumes cost will exceed savings and has not included it in the net effect of GR.

STATE SCHOOL MONEYS FUND

Savings - Department of Elementary and Secondary Education

Reduced distributions to local school districts	\$0	Unknown	Unknown
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Losses - Department of Elementary and Secondary Education

Reduced appropriations from General Revenue Fund	\$0	(Unknown)	(Unknown)
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ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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CRIMINAL RECORDS FUND

Income - Missouri State Highway Patrol Revenue from background checks

\$3,234,000	\$501,600	\$501,600
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ESTIMATED NET EFFECT ON CRIMINAL RECORDS FUND	<u>\$3,234,000</u>	<u>\$501,600</u>	<u>\$501,600</u>
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CRIME VICTIMS COMPENSATION FUND

<u>Costs</u> - Department of Public Safety	(Could exceed \$3,675,000)	(Could exceed \$3,675,000)	(Could exceed \$3,675,000)
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ESTIMATED NET EFFECT ON CRIME VICTIMS COMPENSATION FUND	<u>(Could exceed \$3,675,000)</u>	<u>(Could exceed \$3,675,000)</u>	<u>(Could exceed \$3,675,000)</u>
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FISCAL IMPACT - Local Government

FY 2010
 (10 Mo.)

FY 2011

FY 2012

LOCAL LAW ENFORCEMENT AGENCIES

Costs - Mandated training and certification requirements

\$0 to
(Unknown)

\$0 to
(Unknown)

\$0 to
(Unknown)

ESTIMATED NET EFFECT ON LOCAL LAW ENFORCEMENT AGENCIES

\$0 to
(Unknown)

\$0 to
(Unknown)

\$0 to
(Unknown)

POLITICAL SUBDIVISIONS

Revenues - School Districts

Income from fines

Unknown

Unknown

Unknown

Losses - School Districts

Reduced distributions from State School Moneys Fund

\$0

(Unknown)

(Unknown)

ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS

Unknown

Unknown to
(Unknown)

Unknown to
(Unknown)

FISCAL IMPACT - Small Business

Sections 198.074 & 198.075):

This legislation may impact small businesses eligible for the loan program outlined in this legislation.

Section 192.2178:

Hospitals, long-term care facilities and adult day cares will be required to obtain updated background screenings in order to be in compliance with provisions of this section.

FISCAL DESCRIPTION

Sections 192.925, 192.2000, 192.2001, 192.2003, 192.2006, 192.2009, 192.2012, 192.2015, 192.2020, 192.2025, 192.2030, 192.2033, 192.2035, 192.2040, 192.2100, 192.2103, 192.2106, 192.2109, 192.2112, 192.2115, 192.2118, 192.2121, 192.2124, 192.2127, 192.2130, 192.2150, 192.2153, 192.2175, 192.2178, 192.2181, 192.2184, 192.2187, 192.2200, 192.2203, 192.2206, 192.2209, 192.2212, 192.2215, 192.2218, 192.2221, 192.2224, 192.2227, 192.2250, 192.2253, 198.006, 198.090, 198.532, 198.700, 198.703, 198.705, 198.708, 208.909, 210.900, 210.906, 565.180, 565.182, 565.184, 565.188, 565.200, 570.223, 660.010:

This legislation changes the laws regarding protections for vulnerable adults and children. In its main provisions, the legislation:

- (1) Adds reducing the incidents of financial exploitation of the elderly to the public education and awareness program regarding elder abuse and neglect administered by the Department of Health and Senior Services (Section 192.925, RSMo);
- (2) Transfers the Division of Aging from the Department of Social Services to the Department of Health and Senior Services (Section 192.2000);
- (3) Transfers the powers, duties, and functions of the Board of Nursing Home Administrators from the Department of Social Services to the Department of Health and Senior Services (Section 192.2000.9);
- (4) Revises the definition of “protective services” to mean a service provided by the state or other governmental or private organization or individual which is necessary for the safety and well being of an elderly person or an adult with disabilities who is in danger of being mistreated or neglected and unable to take care of or protect himself or herself from harm (Section 192.2003);
- (5) Grants immunity from civil and criminal liability for any person making a report of abuse or neglect to the Department of Health and Senior Services unless the person acts negligently, recklessly, in bad faith, or with malicious purpose (Sections 192.2103.5 and 192.2150.11);
- (6) Requires any health service provider, health service vendor employee, personal care attendant, or any person having reasonable cause to believe that a patient or consumer has been a victim of misappropriation of a patient's money or property or has falsified documents verifying delivery of health care services to report the information to the Department of Health and Senior Services within 24 hours of discovering the act (Sections 192.2150.2 and 192.2150.3);
- (7) Requires the department, upon receipt of an imminent danger report, to initiate a thorough investigation promptly, but removes the 24-hour time requirement. If an investigation indicates a crime has occurred, the appropriate law enforcement agency and the prosecutor must be notified

FISCAL DESCRIPTION (continued)

The Department must notify the resident's legal representative of the report and investigation status when it involves a resident who has been appointed a guardian and/or conservator or who is incapacitated and resides at a state-licensed facility. The Department may also notify the resident's family members, guardians, or conservators (Sections 192.2150.6 and 192.2150.7);

(8) Requires the Department of Health and Senior Services to keep confidential the names of individuals submitting abuse and misappropriation reports unless the complainant agrees to the disclosure of his or her name; it is necessary to prevent further abuse and neglect, misappropriation of funds, or document falsification; the name of the complainant is lawfully subpoenaed; the release of a name is required by the Administrative Hearing Commission; or the release of a name is requested by the Department of Social Services for the purpose of licensure under Chapter 210 (Section 192.2150.9);

(9) Requires the Department of Health and Senior Services to add persons who have falsified documents verifying service delivery to consumers or have misappropriated property or moneys belonging to consumers to the employee disqualification list for employees of any provider or consumer (Section 192.2150.12);

(10) Protects a patient and the patient's family members or an employee from eviction, harassment, dismissal, or retaliation due to the filing of a report of a violation or suspected violation of the provisions of the legislation (Section 192.2150.13);

(11) Requires potential patients and consumers whose services are funded by the MO HealthNet Program to be checked against the sexual offender registry maintained by the State Highway Patrol and requires the Department of Health and Senior Services to notify providers at the time of referral if a patient or consumer is on the registry (Section 192.2150.15);

(12) Specifies that any person failing to file a required report within the time guidelines and any person or provider who misuses or diverts the consumer's use of any personal property or money or falsifies service delivery documents will be guilty of a class A misdemeanor. Any provider or employee who knowingly conceals abuse or neglect that results in the death or serious injury of a patient will be guilty of a class D felony (Sections 192.2153.1 - 192.2153.3);

(13) Authorizes the Department of Health and Senior Services to assess a \$1,000 fine on any provider who willfully and knowingly fails to report known abuse by an employee. Any provider may seek a review of a department's decision by the Administrative Hearing Commission which may be appealed to the circuit court in the county where the violation occurred (Section 192.2153.4);

FISCAL DESCRIPTION (continued)

(14) Specifies that any person or entity who unlawfully discloses information from the employee disqualification list will be guilty of an infraction; and upon request from the Division of Employment Security within the Department of Labor and Industrial Relations, the Department of Social Services must provide copies of employee investigation reports of individuals on the list. Persons on the list cannot be paid from public moneys for personal care assistant services (Sections 192.2175.11 - 192.2175.12);

(15) Requires health care providers or employment agencies to make inquiries to the Department of Health and Senior Services to determine if a full or part-time applicant for employment which involves consumer contact is on the employee disqualification list prior to hiring the applicant (Section 192.2178.3);

(16) Prohibits, as of August 28, 2009, a provider from hiring any person with a disqualifying history unless the person has submitted an approved good cause waiver. Providers cannot continue to employ people who were hired prior to August 28, 2009, with disqualifying backgrounds after March 1, 2009, unless the person submits an approved good cause waiver prior to January 1, 2009. An employer who knowingly hires a person who is a registered sexual offender on or after August 28, 2009, will be guilty of a class A misdemeanor (Sections 192.2178.7 and 192.2178.8);

(17) Specifies that a consumer-directed services vendor or hospice will be guilty of a class A misdemeanor if it does not request a background screening check from the family care safety registry prior to allowing the employee to have contact with an in-home patient (Section 192.2178.10);

(18) Prohibits any state or federal funding for personal care assistance services if the attendant is on the employee disqualification list; is a registered sexual offender; or has a disqualifying criminal history, unless a good cause waiver is obtained (Section 208.909.4);

(19) Defines “related personal care” as care provided for a person with a physical or medical disability by an adult relative as it relates to the Family Care Safety Act (Section 210.900.2);

(20) Requires any person responsible for the care of a person 60 years of age or older who has cause to suspect that the person has been abused, neglected, or financially exploited by a person, firm, or corporation to make a report to the Department of Health and Senior Services. Any person who purposely files a false report will be guilty of a class D felony (Section 565.188.1);

(21) Specifies that any person who commits the offense of identity theft against an elderly or

FISCAL DESCRIPTION (continued)

disabled person can be fined up to one and one-half times the maximum fine, imprisoned for up to one and one-half times the maximum sentence term, or both (Section 570.233.3).

Sections 198.074 & 198.075:

The proposed legislation changes the laws regarding sprinkler systems in long-term care facilities. In its main provisions, the legislation:

- (1) Clarifies existing language regarding which facilities are required to comply and the date by which they must comply with the provisions regarding the installation of sprinkler systems;
- (2) Allows facilities that have submitted a plan for compliance for the installation of a commercial sprinkler system to be eligible for a loan from the Department of Health and Senior Services;
- (3) Requires facilities that have submitted a plan for compliance for the installation of a commercial sprinkler system to equip each sleeping room in the facility with a battery-powered smoke alarm until the commercial system is completely installed. The facilities must also be equipped with heat detectors interconnected to the fire alarm system in areas subject to nuisance alarms; and
- (4) Allows local fire protection districts or fire departments that are deemed qualified by the State Fire Marshal to conduct fire safety inspections of these facilities for compliance with state statutes regarding the installation of the sprinkler system.

Sections 570.030 & 570.080:

This legislation specifies that a person who steals or receives a stolen firearm or an explosive weapon will be guilty of a class C felony regardless of the item's value.

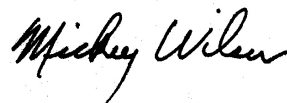
Sections 650.600 - 650.612:

Beginning July 1, 2010, this bill requires all state, county, and municipal law enforcement agencies and officers to use only a canine team which has been certified by an association approved by the Department of Public Safety when a canine performs or assists in certain law enforcement specialties. The department must establish the standards and criteria for canine certification and recertification including, but not limited to, obedience, aggression, and narcotics and explosives detection.

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 Administration-Administrative Hearing Commission
Office of Administration-Budget and Planning
Department of Mental Health
Department of Health and Senior Services
Department of Social Services
Department of Public Safety
Department of Revenue
City of St. Ann
Office of the Secretary of State
Office of the Governor
Department of Transportation
Office of State Courts Administrator
Missouri State Highway Patrol
Boone County Sheriff's Department
Department of Labor and Industrial Relations
County of Cass
St. Louis County Government
Missouri State Water Patrol
Missouri State Alcohol and Tobacco Control
Capitol Police
Division of Fire Safety
Office of the State Public Defender
Department of Corrections
Department of Agriculture
Department of Natural Resources
Creve Coeur Fire District
Columbia Police Department
Office of Prosecution Services
Office of the Attorney General
Department of Elementary and Secondary Education
St. Joseph Police Department



Mickey Wilson, CPA
Director
April 6, 2009