

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4370-04
Bill No.: SCS for HCS for HB 1683
Subject: Children and Minors; Children's Division; Courts, Juvenile; Elderly; Family Law; Health, Public; Health and Senior Services; Medicaid/MO HealthNet; Mental Health; Military Affairs; Public Assistance; Social Services Department; Vital Statistics
Type: Original
Date: April 30, 2020

Bill Summary: This proposal modifies provisions relating to the protection of vulnerable persons.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Up to \$8,165,752)	(Up to \$3,206,502)	(Up to \$3,209,087)
Total Estimated Net Effect on General Revenue	(Up to \$8,165,752)	(Up to \$3,206,502)	(Up to \$3,209,087)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Justice for Survivors Telehealth Network	\$0	\$0	\$0
MO Public Health Services (0298)	\$0	\$0	\$0
Endowed Care Cemetery Audit (0562)	\$0 to (\$2,678)	\$0 to (\$3,213)	\$0 to (\$3,213)
Children's Trust (0694)	\$0 to (\$13,389)	\$0 to (\$16,066)	\$0 to (\$16,066)
Total Estimated Net Effect on Other State Funds	\$0 to (\$16,067)	\$0 to (\$19,279)	\$0 to (\$19,279)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 39 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

* Income and expenses exceed \$400,000 annually and net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	8 FTE	8 FTE	8 FTE
Justice for Survivors Telehealth Network	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	10 FTE	10 FTE	10 FTE

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Local Government	(Greater than \$22,475)	(Greater than \$20,000)	(Greater than \$20,000)

FISCAL ANALYSIS

ASSUMPTION

Due to time constraints, **Oversight** was unable to receive some of the agency responses in a timely manner and performed limited analysis. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

§191.116 - Alzheimer's State Plan Task Force

In response to similar legislation (Perfected HCS HB 1683), officials from the **Department of Health and Senior Services (DHSS)** stated the proposed legislation would create the Alzheimer's State Plan Task Force.

The House Committee Substitute for HB 1683 revised date the report of recommendations is due to the Governor and General Assembly from December 31, 2020, to June 1, 2021. The substitute also adds a representative of licensed skilled nursing facilities to the Task Force.

The revised timeframe for the report will allow current employees to assist the hourly and intermittent employee (H&I); therefore, the number of hours to research, prepare, and create the report would take the same number of hours indicated in the original version of the bill.

The Department would utilize an H&I from September 1, 2020, to January 1, 2021, to assist with writing the report for the Governor and General Assembly. It is estimated that the employee would spend approximately 686.4 hours ($2,080 \times .33$) researching and preparing the report. The H&I employee would be paid \$20.00 per hour due to the comprehensive nature of the report requirements. Therefore, the total cost to the Department would be approximately \$14,778 ($686.4 \times \$20 + \text{fringe}$) for the first year. After FY 2021, additional information gathering would exist within the normal duties of the department. It is assumed that the Department would be tasked with the logistics of ongoing support for the task force such as scheduling meetings, travel arrangements, etc. The Department anticipates being able to absorb these costs. However, until the FY 21 budget is final, DHSS cannot identify specific funding sources.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by DHSS for FY 21 and assumes any duties required by the task force beyond FY 21 can be accomplished with the personnel and resources appropriated to the department.

ASSUMPTION (continued)

Oversight notes, in response to similar legislation (Perfected HCS HB 1683), the **Department of Mental Health** and the **Department of Social Services** stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

Oversight notes, in response to similar legislation (HB 1683), the **Office of the Governor**, the **Department of Higher Education and Workforce Development** and the **Lieutenant Governor's Office** stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

§192.2000 - Alzheimer's/dementia family support groups

Officials from the **Department of Health and Senior Services (DHSS)** state this section requires the DHSS, Division of Senior and Disability Services (DSDS) to establish a family support group in every county in the state to provide information and support to persons with Alzheimer's disease and related dementias.

To complete the requirements of this section the DSDS would add six Aging Program Specialists (APS) II positions (\$45,000 annual salary). One APS II would be located in each of the five regions to collaborate with local resources to establish and maintain the family support groups. An additional APS II would be located in a centralized office to coordinate and support consistent efforts statewide. The total salary for all APS II would be approximately \$270,000 (\$45,000 x 6 FTE).

DSDS assumes each APS II will travel to all counties within their region twice monthly to establish and provide ongoing support to the family support groups. This will require each APS II to travel 1,000 miles per month at the standard mileage rate of \$.43/mile which will provide an annual mileage reimbursement of \$30,960 (\$0.43 x 1,000 miles x 12 months x 6 APS II).

DHSS estimates FY 21 costs of \$462,781 to General Revenue; FY 22 costs of \$464,118; and FY 23 costs of \$468,543.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by DHSS for fiscal note purposes.

ASSUMPTION (continued)

§192.2305 - State ombudsman to respond to concerns involving Missouri veterans' homes

Oversight notes, in response to similar legislation (SB 846), the **Department of Health and Senior Services** and the **Department of Public Safety, Missouri Veterans Commission** each stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

§192.2520 - Telehealth network for forensic exams

In response to similar legislation (SB 951), officials from the **Department of Health and Senior Services (DHSS)** stated the proposed legislation establishes a statewide telehealth network within the DHSS for forensic examinations of victims of sexual offenses in order to provide access to sexual assault nurse examiners (SANE) or other similarly trained appropriate medical providers. The statewide network would be responsible for providing 24/7 access to a SANE or similarly trained appropriate medical provider to provide mentoring, consultation services, guidance, and technical assistance to appropriate medical providers during and outside of a forensic examination through telehealth services. The statewide network would also develop and conduct both online and in-person training and technical assistance to appropriate medical providers in conducting a forensic examination while using an evidentiary collection kit, proper documentation, transmission and storage of examination evidence, utilizing trauma-informed care to address the needs of victims, using telehealth technology while conducting a live examination, and providing ongoing case consultation and serving as an expert witness in event of a trial.

Based on the level of expertise and technological resources required to develop, implement, maintain and operate this caliber of a statewide network, DHSS will secure a contract with an institution of higher education to provide these services. A request for an estimation of cost to provide such services was made to the Missouri Telehealth Network at the University of Missouri; however, staff were unable to provide an estimate within the time constraints of responding to the fiscal note due to the complexity of the services required. DHSS staff estimate the contractual cost to be \$6 million, using a FY 2019 Competitive Grant Solicitation from the U.S. Department of Justice, Office for Victims of Crime (OVC), "OVC FY 2019 Using Telehealth to Improve Care, Access and Quality of Sexual Assault Forensic Exams" (<https://www.ovc.gov/grants/pdf/FY19-Using-Telehealth-SANE-Solicitation.pdf>). The solicitation allows up to \$4 million to establish the network and an additional \$2 million for technical assistance. In 2012, the Massachusetts Department of Public Health was awarded a grant from OVC to develop the National Sexual Assault TeleNursing Center. Based on results of

ASSUMPTION (continued)

their final program evaluation report (<https://www.ncjrs.gov/pdffiles1/ovc/grants/253059.pdf>) released in June 2019, financial sustainability remained uncertain for the program as it sought support from Massachusetts hospitals and the state.

The proposed language also requires all hospitals licensed under chapter 197 to begin reporting, on October 1, 2021, to the DHSS the number of forensic examinations performed at the hospital, the number of forensic examinations requested by victims but not performed at the hospital with the reason why it was not performed, and the number of evidentiary collection kits submitted to a law enforcement agency for testing. After July 1, 2022, hospitals will be required to report the number of appropriate medical providers employed at or contracted with the hospital who utilized the training and telehealth services provided by the network.

Beginning January 1, 2022, and annually thereafter, DHSS will make publicly available a report of the data collected from the hospitals and information from the Department of Public Safety regarding the number of evidentiary collection kits submitted by a person or entity outside of a hospital setting, as well as the number of appropriate medical providers utilizing the training and telehealth services provided by the statewide network.

The proposed legislation would create the "Justice for Survivors Telehealth Network Fund" in the state treasury and allow DHSS to fund the program by appropriations, gifts, grants, and donations made to support the network through this fund. DHSS does not have a current funding source for this program and would require an appropriation to fund the program.

Oversight notes provisions at §192.2520.10(1) provide that the funding for the network shall be subject to appropriations. In addition to appropriations from the general assembly, the DHSS shall apply for available grants and be able to accept other gifts, grants, bequests and donations.

Oversight does not have any information to the contrary. For fiscal note purposes, Oversight assumes funding for this program will be appropriated with General Revenue funds and transferred to the "Justice for Survivors Telehealth Network Fund" until the DHSS can apply for any available grants. Oversight further assumes DHSS would not be able to submit the grant application in time to procure funds for FY 2021. Oversight will indicate unknown grants, gifts and donations of "Could exceed \$4,000,000 to \$6,000,000" for FY 2022 and FY 2023 assuming DHSS submits a solicitation application to the U.S. Department of Justice, Office for Victims of Crime.

ASSUMPTION (continued)

§193.265 - Vital records; fees; homeless persons and unaccompanied youth

In response to similar legislation (SCS SB 826), officials from the **Department of Health and Senior Services (DHSS)** stated the proposed legislation states that no fee shall be required for a birth, death, or marriage certificate by a parent or guardian of a homeless child or homeless youth as defined in subsection 1 of §167.020, and unaccompanied youth as defined in 42 U.S.C. Section 11434a(6). According to the United States Interagency Council on Homelessness, Missouri had an estimated youth and children homeless population of 32,133 as of January 2018, of which 3,944 were unaccompanied homeless students.

DHSS has no way to estimate how many parents or guardians of a homeless child or homeless youth would submit requests for birth, marriage, or death certificates. The department estimates that not enough homeless children or homeless unaccompanied youth would require access to certified marriage or death certificates to create measurable impact, thus those have not been included in this fiscal note. This will cause a loss of revenue to state funds. The impact ranges from zero utilization of the fee exemption to 100 percent utilization of the fee exemption among the eligible populations.

The estimated loss of fees for requests at 100 percent issuance of the identified populations of 32,133 homeless youth could range from \$0 to \$401,662 for FY2021 and \$0 to \$481,995 for FY2022 and FY2023.

Per §193.265, RSMo, DHSS receives a fee of \$15 for each certified birth certificate statement issued. The fees are distributed into General Revenue (\$4), the Children's Trust Fund (\$5), the Endowed Care Cemetery Audit Fund (\$1) and the Missouri Public Health Services (MOPHS) Fund (\$5). General Revenue would be used to replace the MOPHS fees lost.

The loss of revenue of certificate fees to the state funds listed above is detailed in the table below.

Fund Name	FY2021	FY2022	FY2023
General Revenue	\$0 - \$107,110	\$0 - \$128,532	\$0 - \$128,532
Children's Trust Fund	\$0 - \$133,887	\$0 - \$160,665	\$0 - \$160,665
Endowed Care Cemetery Audit Fund	\$0 - \$26,778	\$0 - \$32,133	\$0 - \$32,133
MOPHS Fund	\$0 - \$133,887	\$0 - \$160,665	\$0 - \$160,665

ASSUMPTION (continued)

The fees that are collected on certified copies are deposited into the MOPHS fund (\$5 per certificate) and are allocated to the Bureau of Vital Records for program operations. The loss of funds to MOPHS is estimated at the range of \$0 to \$133,887 in FY2021, and \$0 to \$160,665 in FY2022 and FY2023. MOPHS revenue supports the maintenance of Missouri's electronic birth and death registration system (MoEVR), staff to process all requests, and specialized print paper. The maintenance of the MoEVR system is critical for the accurate and timely processing of Missouri birth and death certificates. The revenue lost from issuing these additional certificates necessitates the need to seek General Revenue funds to supplant the loss.

Based on the additional requests that could be made, up to three (3) Public Health Data Technician (PHDT) FTE may be required. Processing entails reviewing the application and making a determination on whether the applicant has provided sufficient information to identify the record, and either reject the application or issue the certified copy. The average annual salary of a PHDT is \$28,527.

Oversight notes from discussions with DHSS officials, DHSS applied a fiscal impact range of 0 - 100% because, while the impact is unknown, they believe the number of qualifying individuals who will apply for a free birth certificate will be minimal due to the target population most likely being unaware of the legislation.

Since DHSS believes the number of individuals actually applying for a free birth certificate will be minimal, Oversight, for fiscal note purposes, assumes it is possible for up to 10% of homeless youth or parents of homeless or unaccompanied youth to request a free birth certificate annually; Oversight does not assume 100% of victims will request a free birth certificate annually, although this legislation does not contain a provision to limit the number issuances. Therefore, Oversight assumes costs could exceed the lower limits of DHSS' estimate and will show the loss of certificate fees as zero to 10% of the 100% estimate provided by DHSS.

32,133 Homeless Youth & Children x 10% = 3,213 free birth certificates x \$15 = \$48,195
potential lost fees

ASSUMPTION (continued)

Fund Name	FY2021 (10/12)	FY2022	FY2023
General Revenue (\$4)	\$0 to (\$10,710)	\$0 to (\$12,852)	\$0 to (\$12,852)
Children's Trust Fund (\$5)	\$0 to (\$13,388)	\$0 to (\$16,065)	\$0 to (\$16,065)
Endowed Care Cemetery Audit Fund (\$1)	\$0 to (\$2,678)	\$0 to (\$3,213)	\$0 to (\$3,213)
MOPHS Fund (\$5)	\$0 to (\$13,388)	\$0 to (\$16,065)	\$0 to (\$16,065)
Total Lost Fees	\$0 to (\$40,164)	\$0 to (\$48,195)	\$0 to (\$48,195)

In addition, language in the proposal does not provide for replacement of funds to the MOPHS Fund for a reduction in revenues received as a result of the issuance of free birth certificates.

Oversight assumes funds may be replaced and will range replacement of funds as \$0 to the lower limit of funds lost to the MOPHS Fund from the General Revenue Fund.

Oversight also notes DHSS assumes it will need up to three new FTE as a result of the provisions of this proposal. Because Oversight assumes the number of free birth certificates issued may be up to 10% of the homeless/unaccompanied youth population (32,133 homeless x 10% = 3,213 total free birth certificates per year), Oversight further assumes the DHSS will not need additional FTE to issue the minimal number of birth certificates anticipated. However, if these assumptions prove incorrect, DHSS may require additional resources.

In response to similar legislation (SCS SB 826), officials from the **Columbia/Boone County Department of Public Health and Human Services** stated this bill would result in a loss of revenue for Public Health and Human Services (PHHS). §193.265.1 of the proposed legislation states no fee shall be required for a birth certificate if the request is made by a parent or guardian of a homeless child or youth or an unaccompanied youth. Per §193.265, RSMo, PHHS receives a fee of \$15 for each certified birth certificate statement issued.

Columbia/Boone County Department of Public Health and Human Services officials estimate a minimum of 25 homeless children in Boone County. For fiscal note purposes, they estimated that 10 percent of the above population would request a birth certificate resulting in approximately 3 (25 x 10% = 2.5 – rounded to 3) certificates issued. If 100% of the population requested certificates, approximately 25 could be issued (actual numbers could be higher depending on the actual number of homeless children). The combined loss of fees for requests at 10% and 100% issuance of the identified populations for FY 2021, FY 2022, and FY 2023 are listed in the table below:

ASSUMPTION (continued)

	FY 2021 (10 months) 10% issuance	FY 2021 (10 months) 100% issuance	FY 2022 and FY 2023 10% issuance	FY 2022 and FY 2023 100% issuance
Homeless Youth Requests	\$37.50 - unknown	\$312.50 - unknown	\$45 – unknown for each year	\$375 – unknown for each year

Calculations:

FY 2021, 10% issuance = 3 certificates x \$15 per certificate x (10months/12months) = \$37.50

FY 2021, 100% issuance = 25 certificates x \$15 per certificate x (10months/12months) =
\$312.50

FY 2022 and 2023, 10% issuance = 3 certificates x \$15 per certificate = \$45

FY 2022 and 2023, 100% issuance = 25 certificates x \$15 per certificate = \$375

Based on the previous DHSS assumption that the number of individuals actually applying for a free birth certificate will be minimal, **Oversight** assumes, for fiscal note purposes, the fiscal impact to each local public health agency will be minimal and absorbable within current funding levels.

In response to similar legislation (SCS SB 826), officials from the **DSS, Children's Division (CD)** stated this bill modifies §193.265, subsection 1 to waive any fee for the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record for a parent or guardian of a homeless child or homeless youth, or an unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6).

In subsection 3, this bill provides that an unaccompanied youth shall be eligible to receive a certification or copy of his or her own birth record without the consent or signature of his or her parent or guardian.

These provisions do not create a fiscal impact for the Children's Division or have any fiscal impact to MO HealthNet (MHD).

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD or MHD for this section for fiscal note purposes.

ASSUMPTION (continued)

§197.135 - Forensic examinations by hospitals

In response to similar legislation (SB 951), officials from the **Department of Health and Senior Services (DHSS)** stated the proposed legislation would also allow DHSS to issue annual waivers of the telehealth requirements if the hospital demonstrates to DHSS, in writing, a technological hardship in accessing telehealth services or a lack of access to adequate broadband services sufficient to access telehealth services.

It is noted that reimbursement of costs of the examinations and the provision of the evidentiary collection kits remains under the Department of Public Safety (per section 595.220).

One Health & Senior Services Manager (\$68,321) would be required to provide oversight and coordination of the statewide telehealth network, and would be responsible for identifying and securing grants to develop and maintain the network, developing and monitoring compliance of rules and regulations, developing and acquiring contracts to operate the network, reviewing requests and issuing telehealth hospital waivers, collecting and reporting data from hospitals and the Department of Public Safety, and producing an annual report.

One Health Program Representative (HPR) II (\$38,994) would be required to assist the Health and Senior Services Manager in coordinating the statewide telehealth network by performing day-to-day activities such as contract monitoring, invoice processing, grant writing, budget tracking, and data collection and provide support for the training programs offered by the network. The salaries listed for these positions reflect the average annual salary of staff in these positions within the Division of Community and Public Health as of January 1, 2020.

Oversight notes DHSS assumes it will need a total of 2 new FTE as a result of the provisions of this proposal. Oversight assumes the new FTE can be housed within current DHSS locations and no additional rental space will be needed. However, if multiple proposals pass during the legislative session requiring additional FTE, cumulatively the effect of all proposals passed may result in the DHSS needing additional rental space.

Oversight contacted Department of Public Safety (DPS), Missouri State Highway Patrol (MHP) regarding a potential fiscal impact related to the “reimbursement of costs of the examinations and the provision of the evidentiary collection kits” assumed by the DHSS. DPS, MHP stated the Patrol’s Crime Lab does not anticipate a significant increase in evidentiary collection kit costs. Therefore, Oversight assumes any potential increase in these costs to be absorbable by the DPS, MHP within current funding levels and will present no fiscal impact for fiscal note purposes for this provision.

ASSUMPTION (continued)

In response to similar legislation (SB 951), officials from the **Hermann Area District Hospital (HADH)** anticipated start-up costs would be approximately \$22,475 with the potential of more than \$20,000 in annual on-going costs. Based on historical volume of patients seeking a sexual assault forensic examination, **one exam would cost the hospital \$22,475**. If more than one exam was performed, subsequent exam costs would be lower. Equipment costs are estimated to be approximately \$16,325; training for 10 -12nurses is estimated at \$5,400; and other costs approximately \$750.

Oversight does not have any information to the contrary. Oversight notes there are approximately 35 hospitals in the state of Missouri that are state, hospital district, or county/city/community - owned. Assuming 5 hospitals would be required to obtain the necessary equipment and training to perform sexual assault forensic examinations, the costs could be more than \$100,000 to local governments. Therefore, Oversight will present costs to local governments as greater than the \$44,475 for FY 2021 and greater than \$20,000 for subsequent fiscal years.

In response to similar legislation (SB 951), officials from the **University of Missouri Health Care (UMHC)** reviewed the proposed legislation and determined that as written it should not create expenses in excess of \$100,000 annually.

Oversight notes, based on discussions with UMHC officials, this is the amount that can be absorbed within current resource levels.

Oversight notes, in response to similar legislation (SB 951), the **Department of Higher Education and Workforce Development**, the **Department of Public Safety, Director's Office** and the **Missouri State Highway Patrol**, the **Office of State Treasurer**, the **Columbia/Boone County Department of Public Health and Human Services**, the **St. Louis County Department of Public Health**, **State Technical College of Missouri** and the **University of Central Missouri** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

§208.151 - Adds homeless youth eligibility language to MO HealthNet provisions

In response to similar legislation (SCS SB 826), officials from the **Department of Social Services (DSS)**, **Family Support Division (FSD)** stated §208.151.1(27) is amended to extend MO HealthNet eligibility to any persons who meet the definition of homeless youth as defined in §167.020, RSMo. §167.020, RSMo defines homeless youth as any person less than twenty-one years of age who lacks a fixed, regular and adequate nighttime residence.

ASSUMPTION (continued)

FSD assumes the portion of the population who are under age 19 are already currently eligible under existing eligibility guidelines. 42 CFR 435.118 requires states to provide Medicaid to children under age 19 whose household income is at or below the income standard established.

Section 1902(a)(10)(A)(ii)(I) of the Social Security Act provides that states have the option to make medical assistance available to individuals up to 21 years of age in one or more reasonable classifications as defined in the state plan. A state plan amendment would be required to request homeless status as the eligibility criteria for individuals age 19 and 20.

FSD determined there will be 152 new individuals eligible for MO HealthNet, who are age 19 and 20 and homeless.

FSD arrived at this number in the following manner:

In 2018, the Department of Housing and Urban Development reported 534 unaccompanied homeless youth age 18-24. FSD assumes an approximate equal distribution of homeless youth age 18-24. Therefore, FSD estimates there are approximately 152 ($534/7 \text{ years} * 2 = 152$) homeless youth age 19 and 20 in Missouri.

FSD assumes the applications received for homeless youth age 19 and 20 could be completed with existing staff.

The FSD assumes OA-ITSD will include the system programming costs for the system changes necessary to implement provisions of this bill.

The FSD defers to MO HealthNet Division for costs to the program; therefore, there is no fiscal impact to FSD.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect no impact for FSD for fiscal note purposes.

In response to similar legislation (SCS SB 826), officials from the **DSS, MO HealthNet Division (MHD)** stated, regarding §208.151.1(27), because §167.020 doesn't describe "awaiting foster care placement", MO HealthNet is assuming this legislation is referring to children placed in emergency residential treatment. As a result, these youth are already in custody and have Medicaid. However, there would be additional participants added due to this language for homeless youth aged 19-20.

ASSUMPTION (continued)

FSD estimated there will be 152 new individuals eligible for MO HealthNet. MHD found that this population would fall under the children's eligibility group, and that their PMPM rate would be \$332.39. Therefore, an annual cost for this population is estimated to be \$606,285 (152 newly eligible * \$332.39 PMPM * 12 months). A state plan amendment would be required to request homeless status as the eligibility criteria for individuals aged 19 and 20.

MHD's total costs for the proposed legislation are as follows:

FY21 (10 mos): Total: \$505,238 (GR: \$176,161; Federal: \$329,076)
FY22: Total: \$637,206 (GR: \$222,174; Federal: \$415,031)
FY23: Total: \$669,703 (GR: \$233,505; Federal: \$436,198)

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by MHD for fiscal note purposes.

In response to similar legislation (SCS SB 826), officials from the **DSS, Division of Legal Services (DLS)** state SCS for SB 826 is not expected to have a fiscal impact on DLS because DLS anticipates being able to absorb any impact with currently-available resources.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by DLS for fiscal note purposes.

In response to similar legislation (SCS SB 826), DSS officials provided the response for the **Office of Administration (OA), Information Technology Services Division (ITSD)/DSS**. ITSD/DSS states the Family Assistance Management Information System (FAMIS), the Missouri Eligibility Determination and Enrollment System (MEDES) and the Family and Children Electronic System (FACES) will need to be updated. OA, ITSD/DSS assumes every new IT project/system will be bid out because all ITSD resources are at full capacity.

The estimated time for requirements gathering and analysis to make a determination on the impact to FAMIS is approximately 25.92 hours. IT contract rates for FAMIS are estimated at \$95/hour. This will incur a cost of \$2,462 (25.92 * \$95), split 53% GR; 47% Federal.

§208.151.1(27) would require changes to the Missouri Eligibility Determination and Enrollment System (MEDES) to provide MO HealthNet coverage to homeless children or homeless youths up to the age of 21. MEDES performs eligibility determinations and provides case management functions for the family Medicaid and Children's Health Insurance Program (CHIP) using the Modified Adjusted Gross Income Criteria established by the Patient Protection and Affordable Care Act of 2010. The system is currently programmed to only allow coverage for children up to age 19.

ASSUMPTION (continued)

The changes are primarily needed to determine eligibility for homeless youth who are either over the age of 17 or are emancipated minors as FSD is otherwise required to report homeless children to the Children's Division. Presumably these younger children would receive coverage through the alternative care system (FACES) under existing policy and rules.

The following modifications to MEDES will be required to provide coverage to homeless children and youth up to age 21: allow the homeless indicator to be set for children; modify rules to allow individuals up to age 21 to be eligible; add a new type of evidence to verify homeless status; add new conditions and closing reasons for 21 year olds; modify notices for the approval, change in circumstance and closing processes; create statistical management reports.

The existing MAGI and CHIP programs will continue to work under the existing rules with the exception of homeless status and age requirements which will be added on to the existing rules. Design, development and implementation (DDI) services will be provided via Project Assessment Quotation (PAQ) under Redmane contract #C2170849002 with a total project duration of about 22 weeks so systems work and expenditures will occur in SFY21 exclusively.

The federal match rate will be 90% for DDI under the CMS "Seven Conditions and Standards for Enhanced Funding".

Modifications for the MEDES system must be performed by Redmane. Hourly IT costs under this contract vary by IT consultant type and it is estimated to take 1,522 hours for a total cost of \$274,998 (10% GR; 90% Federal) in FY 21.

The FACES system would require an enhancement/change to the existing FACES application. IT contract rates for FACES are estimated at \$95/hour. It is assumed FACES modifications will require 397.44 hours for a cost of \$37,757 (397.44 * \$95), split 66% GR; 34% Federal.

Therefore, total FAMIS, MEDES and FACES system upgrades will cost \$315,217 (\$53,725 GR; \$261,492 Federal) in FY 21.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by ITSD/DSS for fiscal note purposes.

In response to similar legislation (SCS SB 826), officials from the **Department of Mental Health (DMH)** stated Subdivision 27 is added to §208.151.1 to create a new MO HealthNet eligibility category for children and youth under age 21 who meet the definition of homeless §167.020. This will allow children and youth not eligible in an existing category to receive MO HealthNet coverage.

ASSUMPTION (continued)

The anticipated fiscal impact to DMH for community psychiatric rehabilitation (CPR), Comprehensive Substance Treatment Abuse and Rehabilitation (CSTAR) and Developmentally Disabled (DD) waiver services are included in the DSS estimate.

Oversight does not have any information to the contrary. Therefore, Oversight will assume that any costs or savings incurred by DMH for this legislation will be reflected in the DSS response.

§§209.150, 209.200 and 209.204 - Service dogs

In response to similar legislation (HB 1319), officials from the **Office of State Public Defender (SPD)** stated they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crimes regarding the misrepresentation of a dog as a service dog - a new Class C Misdemeanor. Subsequent offenses would be escalated for a new Class B Misdemeanor. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

Oversight notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; and \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, **Oversight** assumes the SPD is at maximum capacity and the increase in workload resulting from this bill cannot be absorbed within SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, **Oversight** assumes the cost for a new APD could approach \$100,000 per year.

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

ASSUMPTION (continued)

In response to similar legislation (HCS HB 1319), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no fiscal impact on the MOPS. However, the enactment of new crimes creates additional responsibilities for county prosecutors which may in turn result in additional costs that are difficult to determine.

Oversight assumes county prosecutors could absorb any increase in cases referred to prosecutors within existing resources.

In response to similar legislation (HCS HB 1319), officials from the **Office of Administration (OA)** stated the proposal would have no fiscal impact on their organization.

Oversight contacted OA officials about increased duties for the Governor's Council on Disability (GCD) under §209.204.5 and .6. These paragraphs require the GCD to prepare and make available online a placard suitable for posting in the front window or door, stating that service dogs are welcome and that misrepresentation of a service dog is a violation of Missouri law. The GCD is to create a brochure detailing permissible questions a business owner may ask in order to determine whether a dog is a service dog, proper answers to those questions, and guidelines defining unacceptable behavior. In addition, the GCD is to prepare and make available online a brochure for landlords and tenants regarding laws relating to service dogs and assistance animals and housing under federal and Missouri law.

OA officials stated the GCD assumes this proposal is only requiring them to post these items online and the time it would take to design something and place it on their web would be minimal and could be completed with existing resources. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

Oversight notes, in response to similar legislation (HCS HB 1319), the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Labor and Industrial Relations**, the **Department of Public Safety**, **Missouri State Highway Patrol**, the **Missouri Department of Agriculture**, the **Office of State Courts Administrator**, the **Office of Secretary of State**, the **St. Louis County Police Department**, the **Springfield Police Department** and the **St. Louis County Department of Justice Services** each stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

ASSUMPTION (continued)

Oversight notes, in response to similar legislation (HB 1319), the **Department of Social Services**, the **Governor's Office**, the **Boone County Sheriff's Department**, the **Ellisville Police Department** and the **Joplin Police Department** stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

§210.109 - Military families

Oversight notes, in response to similar legislation (SB 718), the **Department of Mental Health**, the **Department of Public Safety**, **Missouri State Highway Patrol**, **Missouri National Guard**, and **Veterans' Commission**, the **Department of Social Services**, and the **Office of Administration** each stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§210.112 - DSS services to children and child placement provisions

In response to similar legislation (HCS SCS SB 653), officials from the **Department of Social Services (DSS)**, **Children's Division (CD)** stated this section requires CD to create a response and evaluation team. CD does not anticipate fiscal impact as a result of the creation of a response and evaluation team. These duties would be absorbed by existing staff.

This bill also removes a large section regarding contracts which does not create an impact for the Division.

CD also states this section requires the payment to contracted children's services providers and agencies to be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Any reimbursement increases made through enhanced appropriations for services shall be allocated to providers regardless of whether the provider is public or private. Such increases shall be considered additive to the existing contracts. In addition to payments reflecting the cost of services, contracts shall include incentives provided in recognition of performance based on the evaluation tool and the corresponding savings for the State. The response and evaluation team shall review a formula to distribute such payments, as recommended by the division. This matches CD's existing process.

The provisions of this section have no fiscal impact on CD.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for this section for fiscal note purposes.

ASSUMPTION (continued)

In response to similar legislation (HB 2216), **Office of Administration (OA), Information Technology Services Division (ITSD)/DSS** stated §210.112 and 210.145 of the proposed legislation will result in required updates to the Family And Children Electronic System (FACES).

These changes include, but are not limited to: development of new screens, data elements and database tables; navigational functionality allowing for the transfer of data; modifications to intertwined components and subsystems; and updated security access.

Oversight notes ITSD assumed that every new IT project/system will be bid out because all their resources are at full capacity. For this bill, ITSD assumed they will contract out the programming changes needed for FACES. ITSD estimated the project would take 10,368 hours at a contract rate of \$95 for a total cost of **\$984,960** (100% GR). Oversight notes that an average salary for a current IT Specialist within ITSD is approximately \$54,641, which totals roughly \$85,000 per year when fringe benefits are added. Assuming that all ITSD resources are at full capacity, Oversight assumes ITSD may (instead of contracting out the programming) hire 11 additional IT Specialists to perform the work required from this bill; however, for fiscal note purposes, Oversight will reflect the ITSD estimated cost of \$984,960 in FY 2021 exclusively.

§210.123 - Child placement and reporting

In response to similar legislation (HCS SCS SB 653), **DSS, Children's Division (CD)** stated this section defines "temporary alternative placement agreement", as a voluntary agreement between CD, a relative of the child, and the parent or guardian of the child to provide a temporary, out of home placement for a child if the parent or guardian is temporarily unable to provide care or support for the child and the child is not in imminent danger of death or serious bodily injury, or being sexually abused such that the division determines a referral to the juvenile office with a recommendation to file a petition or to remove the child is not appropriate. This bill lists the required contents of the temporary alternative placement agreement.

In addition to a number of other requirements and guidelines, this section requires CD to submit a written report to Juvenile Office, no later than 10 days before the termination of the temporary alternative placement agreement. CD shall also provide a copy of the report to the placement provider and the child's parent or guardian.

CD assumes no fiscal impact from the provisions of this section.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for this section for fiscal note purposes.

ASSUMPTION (continued)

§210.135 - Immunities for employees of child assessment centers

In response to similar legislation (SB 924), officials from the **Office of the Attorney General** and the **Department of Social Services** assumed this bill has no fiscal impact. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

§210.145 - Development of a joint safety assessment tool

In response to similar legislation (HCS SCS SB 653), **DSS, CD** stated §210.145 states CD shall utilize structured decision making protocols, including a standard risk assessment for classification purposes of all child abuse and neglect reports. It also adds CD and the Office of State Courts Administrator (OSCA) develop a joint safety assessment tool before December 31, 2020, to be implemented by January 1, 2022. This will replace the current standard risk assessment.

CD currently uses a risk assessment when assessing on child abuse and neglect reports. CD began implementation of the risk assessment tool on November 1, 2019, and is currently working with OSCA in developing a joint safety assessment tool. CD anticipates no fiscal impact by adding the risk assessment. CD will work with OSCA to secure funding for the development of a joint safety assessment. The development of a new tool would need to be piloted and validated prior to use and the time frame provided may not be sufficient.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for this section for fiscal note purposes.

§210.160 - Relating to guardians ad litem

In response to similar legislation (SB 623), officials from the **Department of Social Services** assumed no fiscal impact from this proposal.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this section of the proposal.

Oversight also notes that according to the Department of Social Services:

- Guardians Ad Litem are paid by the local county government for children in the Children's Division custody up until the termination of parental rights. After the termination of parental rights, the court may order the Children's Division to pay.
- The Children's Division uses existing foster care and adoption appropriations to cover guardian ad litem costs.

ASSUMPTION (continued)

§210.566 - Foster parent supervision of family visits

In response to similar legislation (HCS SCS SB 653), officials from the **DSS, CD** stated §210.566 requires CD and its contractors to provide written notification of the rights enumerated in this section at the time a child is placed with the prospective foster parent. This section also adds the requirement that CD and its contractors provide full access to the child's medical, psychological, and psychiatric records in its possession at the time of placement, including records prior to the child coming into care, at the time the child is placed with a foster parent.

DSS is interpreting the term "full access" to be consistent with CD's current Treatment Access policy in its Child Welfare Manual Section 5 Chapter 3 states, in relevant part, the following:

Supreme Court Rule 123.08 requires CD and the Juvenile Officer to provide access to records and information within specific time frames without a formal discovery request. Within ten (10) days of the protective custody hearing or within fourteen (14) days of the filing of the petition or motion to modify, CD and Juvenile Officer must allow for certain records to be made available to all parties. The records may include the following and should be relevant to the allegations in the petition:

- Medical records of the juvenile;
- Law enforcement records, including incident reports. If information regarding an active investigation is requested, CD staff should request permission from law enforcement to release the information. If law enforcement will not approve the release due to an active investigation, CD should notify all parties that the information cannot be released at this time;
- Written statements, videotapes, and audiotapes regarding the juvenile and or parents/guardians;
- Reports and affidavits submitted by CD to the juvenile office recommending protective custody or a petition to be filed;
- Completed CD reports and safety plans;
- Written service agreements; and
- Completed hotline reports, redacted as required by law. If the hotline report is not completed by the timeframes set forth in the initial court hearing, the report should be made available upon completion.

CD must also make available to all parties any new relevant information related to the allegations obtained within ten (10) days of receipt of the request. The rule does not require CD to make copies of the information. Staff may schedule an appointment for the party to review the relevant

ASSUMPTION (continued)

information in the record. If the party or attorney would like copies of the documents, they may provide a written or verbal request. If copies of the information are requested, CD must follow the timeframes established in this rule as this rule supersedes the CD policy which allows ten (10) days to prepare the case file. Only one copy per party will be made. Any additional copies will be made at the expense of the person requesting the copy.

In this version of the legislation, the addition of the child's medical, psychological, and psychiatric records in its possession at the time of placement remedies a concern regarding the limitations CD has to access a child's records at the time of placement.

Additionally after initial placement, CD and its contractors are required to have a continuing duty and obligation to provide access to such records that come into its possession or of which the division or its contractors become aware.

Access shall include providing information and authorization for foster parents to review or to obtain the records directly from the medical, psychological, or psychiatric services provider.

CD does not anticipate a fiscal impact as a result of this section of the proposed legislation.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for this section for fiscal note purposes.

§210.790 - Foster parent standing

Oversight notes this section is being repealed. Oversight assumes the repeal of this section will have no fiscal impact.

§211.135 - When courts may order a child to appear in court

In response to similar legislation (HCS SCS SB 653), **DSS, CD** stated §211.135 states the court, after considering all information provided by CD and input from the family support team, shall order the child to appear in court only if necessary to make a decision and after considering appropriateness of the courtroom environment for the child and the hardship to be endured by the child and current guardians in regards to the disruption in regular activities.

CD is concerned that implementation of this section may result in a reduction in Missouri's compliance with some amendments to Title IV-E of the Social Security Act that were implemented in recent years.

ASSUMPTION (continued)

CD indicates that the potential loss in federal funds could be up to:

FY 21: \$115,500,000
FY 22: \$118,387,500
FY 23: \$121,347,188

Oversight does not have any information to the contrary. Oversight notes CD's concern regarding a loss of funds due to non-compliance with provisions in Title IV-E. However, Oversight assumes CD will not be out of compliance with Title IV-E, and, therefore, Oversight will reflect no fiscal impact for CD for fiscal note purposes.

In response to similar legislation (HCS HB 1414), officials from the **DSS, Division of Legal Services (DLS)**, stated they are concerned the implementation of the proposal will result in a reduction in Missouri's compliance with some of the amendments to Title IV-E of the Social Security Act. Federal law requires that "procedural safeguards shall be applied to assure that in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to a successful adulthood, the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child." 42 U.S.C. § 675 (5)(C)(iii).

Federal law further requires the State agency to implement procedures to ensure that at each permanency hearing regarding the child, the court "ask the child about the desired permanency outcome[.]" 42 U.S.C. 675a(a)(s)(A). DLS is concerned that the proposed bill may result in some courts declining to enter orders permitting foster children to participate in court because they perceive such participation as disruptive or traumatizing. Missouri risks a reduction in federal financial participation in supporting services for foster children if there is a reduction in compliance with these requirements.

To insure foster children have access to participation in their court cases, DLS will be required to draft, file, and argue motions. DLS estimates that 12 of the 31 full-time employee attorneys will have an increase in their workload, which is 39% of the full-time attorney staff. It is estimated that those attorneys will have to shift 10% of their time to get court orders so DSS complies with federal funding requirements. Is it estimated that DLS can expect an increase of 4% in its workload should this bill pass. DLS is requesting 1 FTE for the increased workload.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the FTE costs provided by DLS for fiscal note purposes.

ASSUMPTION (continued)

§211.171 - Foster parent access to certain foster children records

In response to similar legislation (HCS SCS SB 653), **DSS, CD** stated this bill adds that if a foster parent alleges the court failed to allow the foster parent to be heard orally or by submission of correspondence at any hearing regarding a child in their care, the foster parent has the right to seek remedial writ relief.

This bill provides that no docket fee shall be required to be paid by the foster parent. This bill prohibits children's division from removing the child from placement with a foster parent based solely upon the foster parent's filing of a petition, unless removal is necessary to ensure the health and safety of the child.

The Children's Division does not anticipate a fiscal impact as a result of this section of the proposed legislation.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by CD for fiscal note purposes.

The MO HealthNet Division (MHD) states the Interstate Compact allows states to exchange information/payments for foster kids placed out of state. CD (MHD believes) is already paying a vendor for this service since a child could be placed in any state and the vendor works across the U.S. to distribute funds.

§431.056 - Modifies provisions relating to a minor's ability to contract for certain purposes

In response to similar legislation (SCS SB 826), officials from the **DSS, CD** stated this bill modifies provisions relating to a minor's ability to contract for certain purposes. §431.056 adds 'mental health' services when referring to a minor contracting services and changes the minimum age to 15 from 16. It adds additional requirements relating to unaccompanied youth including:

Implied consent, in addition to the actions described in subparagraph a. of this paragraph, may also be demonstrated by a letter signed by the following persons verifying that the minor is an unaccompanied youth as defined in 42 U.S.C Section 11434a(6):

- (i) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;
- (ii) A local education agency liaison for homeless children and youth designated under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or
- (iii) A licensed attorney representing the minor in any legal matter.

ASSUMPTION (continued)

Subsection 4 is added and states that any legally-constituted entity or licensed provider who contracts with a minor under subsection 1 of this section shall be immune from any civil or criminal liability based on the entity's or provider's determination to contract with the minor; provided that, if an entity's or provider's determination of compliance with subsection 1 of this section, or conduct in contracting with the minor, is the result of the entity's or provider's gross negligence or willful or wanton acts or omissions, the entity or provider may be held liable for their gross negligence or willful or wanton acts or omissions. Consent given under this section shall not be subject to later disaffirmance by reason of the minor's age.

These additions to the statute in regard to minors and contracted services will not have a fiscal impact on the Children's Division.

In response to similar legislation (SCS SB 826), officials from the **DSS, Family Support Division** and the **MO HealthNet Division** stated the provisions of §431.056.1 have no fiscal impact on their divisions.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by DSS divisions for this section for fiscal note purposes.

§453.121 - Adoption information

In response to similar legislation (HCS HB 2216), officials from the **DSS, CD** assumed no fiscal impact. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

§§595.201 and 595.202 - Sexual Assault Survivors' Bill of Rights and Missouri Right of Victims of Sexual Assault Task Force

In response to similar legislation (SCS SB 812), officials from the **Department of Public Safety (DPS), Office of the Director (DPS)** stated the Department of Public Safety is required to hold five meetings per year of the ten members as described in the legislation.

Based on administrative support currently provided for similar boards and claims processing, the department would need an additional full-time Processing Technician II at a salary of \$32,647. In addition, it is anticipated there will be costs of the reimbursable expenses incurred by the task force members. It is estimated the ten-member task force would incur the following expenses which are based on the meal per diem and CONUS rates for Jefferson City:

ASSUMPTION (continued)

Breakfast and lunch (\$16/day x 5 meetings)	\$ 800
Mileage (Average of 60 miles/person x \$0.43/mile x 5 meetings)	\$1,290
2 Nights Lodging (Jefferson City Conus rate of \$96/night x 5 meetings)	\$9,600
Development, printing, publication and distribution costs x 5 meetings	\$5,000
Staff travel	\$ 500

Per §595.202.6, the task force shall expire on December 31, 2021.

Oversight notes the legislation does not state the number of meetings the Missouri Rights of Victims of Sexual Assault Task Force is required to hold during the year. Oversight assumes DPS has sufficient staff to handle any increase in workload required under the provisions of this proposal. Oversight will assume the 10 members may incur costs of (Up to \$17,190) annually. Oversight will assume this cost will be paid from General Revenue.

In response to similar legislation (SCS SB 812), officials from the **DPS, Missouri State Highway Patrol (MHP)** stated one FTE can handle approximately 240 cases per year. With more than 600 sexual assault cases per year and thousands in a backlog, the lab will need one extra FTE to handle the calls and communications.

Oversight does not have any information contrary to that provided by MHP. Therefore, Oversight will reflect MHP's impact for fiscal note purposes to the General Revenue Fund.

In response to similar legislation (SCS SB 812), officials from the **State Public Defender's Office (SPD)** stated to the extent this bill may cause victims to not want to give interviews to the defense, this could make it harder to investigate sex crimes.

In response to similar legislation (SCS SB 812), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal will have no measurable fiscal impact on MOPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

In response to similar legislation (SCS SB 812), officials from the **St. Louis County Police Department (SLCPD)** stated although the creation of this database is going to create viable leads in cold case investigations, who investigates the lead when there is an anonymous survivor? An expansion of our Department's Cold Case Unit may be required if investigations increase. An increase of one full-time detective, who earns approximately \$47 an hour with benefits would cost approximately \$97,760 annually.

ASSUMPTION (continued)

Mentioned several times in the legislation is the survivor's access to a sexual assault advocate or counselor. Although the Department recognizes this is an important service for survivor's, the legislation does not address where funding for this will come from. If the Department is required to provide the service, based on population size, one additional advocate and two additional detectives would be necessary. The average detective earns approximately \$47 an hour with benefits. Two detectives would cost at least \$195,520 annually. The advocate would earn approximately \$26.25 an hour with benefits or \$54,600 annually.

Finally, training would be required for all police staff due to the significant changes in sexual assault investigations. The Department currently has approximately 1,100 sworn positions at an average hourly pay of \$46.87. All sworn personnel would be required to attend, at minimum, one hour of training. Training would be a one-time cost of \$51,557. Therefore, the annual cost for the SLCPD would be approximately \$399,437 (\$97,760 + \$195,520 + \$54,600 + \$51,557).

Oversight notes the cost for the St. Louis County Police Department; however, Oversight is unable to project a statewide cost for police and sheriff's departments; therefore, the impact to local governments will be presented as \$0 to (Unknown).

Oversight notes, in response to similar legislation (SCS SB 812), the **Attorney General's Office**, the **Department of Health and Senior Services**, the **Department of Social Services**, the **Office of State Courts Administrator**, the **Springfield Police Department**, and the **St. Louis County Department of Justice Services** each stated the proposal would not have a direct fiscal impact on their organizations.

In response to similar legislation (SB 812), officials from the **University of Missouri Health Care** stated the proposed legislation, as written, should not create a negative impact.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Bill as a whole

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

Oversight assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

ASSUMPTION (continued)

In response to legislation from the current session with similar rule-making authority, 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 Secretary of State's office 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 SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize 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 our office can sustain with our 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 require additional resources.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Transfer-out - DHSS (§193.265)</u>			
Transfer to MOPHS for maintenance of MoEVR to replace fees lost due to free birth certificates p. 9	\$0 to (\$13,389)	\$0 to (\$16,066)	\$0 to (\$16,066)
<u>Costs - DHSS (§191.116) - H&I</u>			
employee and benefits for Alzheimer's State Plan Task Force p. 3	(\$14,778)	\$0	\$0
<u>Costs - DHSS (§192.2000) p. 4</u>			
Personal service	(\$238,728)	(\$272,700)	(\$275,427)
Fringe benefits	(\$191,430)	(\$159,684)	(\$160,589)
Expense and equipment	<u>(\$32,623)</u>	<u>(\$31,734)</u>	<u>(\$32,527)</u>
Total <u>Costs - DHSS</u>	<u>(\$462,781)</u>	<u>(\$464,118)</u>	<u>(\$468,543)</u>
FTE Change - DHSS	6 FTE	6 FTE	6 FTE
<u>Transfer-out - to Justice for Survivors</u>			
Telehealth Network Fund (§§192.2520 and 197.135) p. 6 & 11	(\$6,157,916)	(Up to \$2,175,951)	(Up to \$2,177,704)
<u>Costs - DSS/MHD (§208.151) p. 14</u>			
Program distributions - homeless youth	(\$176,161)	(\$222,174)	(\$233,505)
<u>Costs - OA, ITSD (§208.151) p. 14 & 15</u>			
FAMIS system changes	(\$1,305)	\$0	\$0
MEDES system changes	(\$27,500)	\$0	\$0
FACES system changes	<u>(\$24,920)</u>	<u>\$0</u>	<u>\$0</u>
Total <u>Costs - OA, ITSD</u>	<u>(\$53,725)</u>	<u>\$0</u>	<u>\$0</u>
<u>Costs - SPD (§209.204) - Personal</u>			
service, fringe benefits and equipment and expense p. 16	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs - OA, ITSD/DSS (§§210.112 and 210.145) FACES system changes p. 19</u>	(\$984,960)	\$0	\$0

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND (continued)			
<u>Costs - DSS (§211.135) p. 23</u>			
Personal service	(\$44,475)	(\$53,904)	(\$54,443)
Fringe benefits	(\$24,370)	(\$29,422)	(\$29,601)
Expense and equipment	(\$11,141)	(\$10,735)	(\$11,002)
Total <u>Costs - DSS</u>	(\$79,986)	(\$94,061)	(\$95,046)
FTE Change - DSS, DLS	1 FTE	1 FTE	1 FTE
<u>Cost - MHP (§§595.201 and 595.202)</u> p. 26			
Personal service	(\$38,380)	(\$46,517)	(\$46,982)
Fringe benefits	(\$34,266)	(\$41,530)	(\$41,946)
Lab supplies, training, etc.	(\$15,000)	(\$15,375)	(\$15,759)
Expense and equipment	(\$6,509)	(\$667)	(\$683)
Total <u>Costs - DPS, MHP</u>	(\$94,155)	(\$104,089)	(\$105,370)
FTE Change - DPS, MHP	1 FTE	1 FTE	1 FTE
<u>Cost - DPS (§§595.201 and 595.202)</u> Expenses of the 10 members of the Missouri Right of Victims of Sexual Assault Task Force p. 26	(Up to \$17,190)	(Up to \$17,190)	\$0
<u>Loss - DHSS (§193.265) p. 9</u> Reduction in birth certificate fee revenue	\$0 to (\$10,711)	\$0 to (\$12,853)	\$0 to (\$12,853)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Up to \$8,165,752)</u>	<u>(Up to \$3,206,502)</u>	<u>(Up to \$3,209,087)</u>
Estimated Net FTE Change on the General Revenue Fund	8 FTE	8 FTE	8 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
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**JUSTICE FOR SURVIVORS
 TELEHEALTH NETWORK FUND**

<u>Income</u> - Grants, gifts & donations (§192.2520) p. 6	\$0	Could exceed \$4,000,000 to \$6,000,000	Could exceed \$4,000,000 to \$6,000,000
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<u>Transfer-in</u> - from General Revenue Fund (§§192.2520 and 197.135) p. 8	\$6,157,916	Up to \$2,175,951	Up to \$2,177,704
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<u>Costs</u> - DHSS (§197.135) p. 11			
Personal service	(\$89,429)	(\$108,388)	(\$109,472)
Fringe benefits	(\$48,899)	(\$55,196)	(\$55,556)
Expense and equipment	(\$19,588)	(\$12,367)	(\$12,676)
Contracts	<u>(\$6,000,000)</u>	<u>(\$6,000,000)</u>	<u>(\$6,000,000)</u>
Total <u>Costs</u> - DHSS	<u>(\$6,157,916)</u>	<u>(\$6,175,951)</u>	<u>(\$6,177,704)</u>
FTE Change - DHSS	2 FTE	2 FTE	2 FTE

**ESTIMATED NET EFFECT ON THE
 JUSTICE FOR SURVIVORS
 TELEHEALTH NETWORK FUND**

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE Effect on the Justice for Survivors Telehealth Network Fund	2 FTE	2 FTE	2 FTE

**MISSOURI PUBLIC HEALTH
 SERVICE FUND (0298)**

<u>Transfer-in</u> - DHSS (§193.265) p. 9			
Transfer-in from General Revenue for maintenance of MoEVR to replace fees lost due to free birth certificates	\$0 to \$13,389	\$0 to \$16,066	\$0 to \$16,066

<u>Loss</u> - DHSS (§193.265) p.9			
Reduction in birth certificate fee revenue	<u>\$0 to (\$13,389)</u>	<u>\$0 to (\$16,066)</u>	<u>\$0 to (\$16,066)</u>

**ESTIMATED NET EFFECT ON THE
 MISSOURI PUBLIC HEALTH
 SERVICES FUND**

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
ENDOWED CARE CEMETERY AUDIT FUND (0562)			
<u>Loss</u> - DHSS (§193.265) p. 9			
Reduction in birth certificate fee revenue	<u>\$0 to (\$2,678)</u>	<u>\$0 to (\$3,213)</u>	<u>\$0 to (\$3,213)</u>
ESTIMATED NET EFFECT ON THE ENDOWED CARE CEMETERY AUDIT FUND	<u>\$0 to (\$2,678)</u>	<u>\$0 to (\$3,213)</u>	<u>\$0 to (\$3,213)</u>
CHILDREN'S TRUST FUND (0694)			
<u>Loss</u> - DHSS (§193.265) p. 9			
Reduction in birth certificate fee revenue	<u>\$0 to (\$13,389)</u>	<u>\$0 to (\$16,066)</u>	<u>\$0 to (\$16,066)</u>
ESTIMATED NET EFFECT ON THE CHILDREN'S TRUST FUND	<u>\$0 to (\$13,389)</u>	<u>\$0 to (\$16,066)</u>	<u>\$0 to (\$16,066)</u>
FEDERAL FUNDS			
<u>Income</u> - DSS/MHD (§208.151) p. 14			
Reimbursement for program distributions - homeless youth	\$329,076	\$415,031	\$436,198
<u>Income</u> - OA, ITSD (§208.151) p. 14 & 15			
Reimbursement for FAMIS, MEDES and FACES system updates	\$261,492	\$0	\$0
<u>Costs</u> - DSS/MHD (§208.151) p. 14			
Program distributions - homeless youth	(\$329,076)	(\$415,031)	(\$436,198)
<u>Costs</u> - OA, ITSD (§208.151) p. 14 & 15			
FAMIS system changes	(\$1,157)	\$0	\$0
MEDES system changes	(\$247,498)	\$0	\$0
FACES system changes	(\$12,837)	\$0	\$0
Total <u>Costs</u> - OA, ITSD	<u>(\$261,492)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
LOCAL GOVERNMENTS			
<u>Costs - Hospitals (§§192.2520 and 197.135) - Telehealth network and forensic examination costs p. 12</u>	(Greater than <u>\$22,475</u>)	(Greater than <u>\$20,000</u>)	(Greater than <u>\$20,000</u>)
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	(Greater than <u><u>\$22,475</u></u>)	(Greater than <u><u>\$20,000</u></u>)	(Greater than <u><u>\$20,000</u></u>)

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill establishes the "Alzheimer's State Plan Task Force" in the Department of Health and Senior Services which will assess all state programs that address Alzheimer's and update and maintain an integrated state plan to overcome Alzheimer's. The task force shall deliver a report of recommendations to the Governor and the General Assembly no later than June 1, 2021. (§191.116)

The Department of Health and Senior Services is to provide information and support to persons with Alzheimer's disease and related dementias by establishing a family support group in every county of the state. (§192.2000)

This act establishes the "Justice for Survivors Act" and directs the Department of Health and Senior Services to establish a statewide telehealth network for forensic examinations of victims of sexual offenses by July 1, 2022. A statewide coordinator shall be selected by the director of the Department of Health and Senior Services to oversee the network. The network shall provide mentoring, training, and assistance for medical providers conducting forensic examinations, including training on obtaining informed consent by the victim to evidence collection. The network shall also provide consultation services, guidance, and technical assistance through telehealth services by a Sexual Assault Nurse Examiner (SANE) or other similarly trained appropriate medical providers. The training may be offered in-person and online.

This act creates the "Justice for Survivors Telehealth Network Fund" for any grants, gifts, bequests, or donations accepted by the Department for the development and maintenance of the network and the training offered by the network. (§192.2520)

FISCAL DESCRIPTION (continued)

Additionally, this act requires any licensed hospital, by January 1, 2023, to perform a forensic examination using an evidentiary collection kit upon the request and consent of a victim of a sexual offense fourteen years of age or older or the victim's guardian. Victims under fourteen years of age shall be referred to a SAFE CARE provider; provided, that nothing in this act shall be interpreted to prevent a hospital from performing a forensic examination for a minor under fourteen years of age upon the minor or guardian's request in accordance with state law and regulations.

An appropriate medical provider shall perform the examination and the hospital shall ensure that any provider performing the examination has received training conducting such examinations. If the provider is not a SANE or similarly trained physician or nurse, then the hospital shall utilize telehealth services, such as those provided by the statewide telehealth network, to provide guidance and support through a SANE, or other similarly trained physician or nurse, who shall observe the live examination and communicate with and support the onsite provider. The Department may issue a waiver of the telehealth requirement if the hospital demonstrates a technological hardship in accessing telehealth services or a lack of access to adequate broadband services. Such waivers shall be granted sparingly for no more than one year at a time, subject to renewal at the Department's discretion.

The Department shall waive the requirements of this act for any licensed hospital if the statewide telehealth network ceases operation, the Director of the Department notifies the hospital that the network has ceased operation, and the hospital cannot, in good faith, comply with the requirements of this act without the assistance or resources of the network. Such waiver shall remain in effect until the network resumes operation or until the hospital can comply with the requirements of this act without the assistance or resources of the network.

Current law regarding the reimbursement of such examinations and the provision of evidentiary collection kits shall apply to the forensic examinations under this act.

Finally, each hospital shall, by October 1, 2021, report specified information concerning forensic examinations performed at the hospital to the Department each year and the Department shall in turn make such information publicly available; provided, that such information shall not include any personally identifiable information of any victim or medical provider performing the examination. (§197.135)

Under this act, a parent or guardian of a homeless child or homeless youth or an unaccompanied youth shall not be charged a fee for copies of vital records. An unaccompanied youth shall not be required to have the consent or signature of his or her parent or guardian for a certification or a copy of his or her own birth record. (§193.265)

FISCAL DESCRIPTION (continued)

Under this act, any homeless child or homeless youth shall be eligible for MO HealthNet benefits. (§208.151)

This bill specifies that anyone who knowingly misrepresents a dog as a service dog for the purpose of receiving the accommodations afforded service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and liable for any actual damages resulting from the misrepresentation. Any subsequent violation is a class B misdemeanor.

This bill also specifies that anyone who knowingly misrepresents an animal as an assistance animal for the purpose of receiving the accommodations afforded assistance animals under the Fair Housing Act, 42 U.S.C. Section 3601 et, seq., is guilty of a class C misdemeanor and liable for any actual damages resulting from the misrepresentation. Any subsequent violation is a class B misdemeanor.

The Governor's Council on Disability must prepare and make available online a placard suitable for posting in a front window or door, stating that service dogs are welcome and that misrepresentation of a service dog is a violation of Missouri law. The council must also create a brochure to help business owners with permissible questions and guidelines defining acceptable behavior. (§208.204)

This act modifies the "Foster Parents' Bill of Rights" to require the Children's Division and its contractors to provide written notification of these rights at the time the child is placed with a prospective foster parent, even if the parent has yet to be licensed as a foster parent. Additionally, the Division and its contractors shall provide full access to the child's medical, psychological, and psychiatric records, including records prior to the child coming into care, at the time the child is placed with a foster parent. Access shall include providing information and authorization for foster parents to review or to obtain the records directly from the service provider.

If a foster parent alleges a court failed to allow the foster parent to be heard orally or in writing in a court hearing involving a child in his or her care, the foster parent may seek remedial writ relief pursuant to Missouri Supreme Court Rules 84, 94, and 97. No docket fee shall be required to be paid by the foster parent. The Division shall not remove a child from placement with the foster parent based solely upon the foster parent's filing of a petition for a remedial writ or while the writ is pending, unless removal is necessary for the health and safety of the child.

FISCAL DESCRIPTION (continued)

Additionally, the court shall ensure a child's foster parent has received full access to the child's medical, psychological, and psychiatric records, including prior records, from the Division and its contractors, as required under this act. (§§210,112, 210,142 and 211.135)

Under this act, certain rights are provided for survivors of sexual assault during any forensic examination and during any interview by a law enforcement official, prosecuting attorney, or defense attorney. The following rights are afforded to survivors of sexual assault crimes:

- Survivors have the right to consult with an employee or volunteer of a rape crisis center during any forensic examination and also have a support person with them;
- Survivors have the right to consult with an employee or volunteer of a rape crisis center during any interview with a law enforcement official, prosecuting attorney, or defense attorney and also have a support person with them;
- Survivors shall not be charged for the forensic examination and evidentiary collection kits shall be purchased, subject to appropriation, by the Department of Public Safety;
- Medical providers must inform survivors of their rights before commencing a forensic examination;
- Law enforcement officers, prosecuting attorneys, or defense attorneys must inform survivors of their rights before commencing a medical evidentiary or physical examination;
- Law enforcement officers, prosecuting attorneys, or defense attorneys cannot discourage a survivor from receiving a medical evidentiary or physical examination;
- Survivors have the right to prompt analysis of sexual assault forensic evidence through a secure and confidential message in writing from the crime lab;
- A defendant has no standing to object to any failure to comply to provisions of this act by a survivor;
- Failure of a law enforcement agency to take possession of any sexual assault forensic evidence or to submit evidence within the proscribed time period does not preclude the law enforcement agency from later submitting the evidence;
- No sexual assault forensic evidence shall be used to prosecute a survivor for any misdemeanor crime, however, sexual assault forensic evidence shall be admissible in any criminal or civil proceeding against the defendant;

FISCAL DESCRIPTION (continued)

- Law enforcement officers and medical providers must provide survivors with a document developed by the Department of Public Safety that explains the rights of survivors under this act;
- A law enforcement officer, upon request from a survivor, must furnish within 14 days an unaltered copy of all law enforcement reports concerning the sexual assault at no cost to the survivor;
- A prosecuting attorney, upon request from a survivor, must provide timely notices of any pretrial or final dispositions of the case, location of the convicted defendant, and the convicted defendant's information on a sex offender registry, if any;
- Survivors have the right to be reasonably protected from the defendant and persons acting on behalf of the defendant in either a civil or criminal case relating to the sexual assault;
- Survivors have the right to be free from intimidation, harassment, and abuse;
- Survivors shall not be required to submit to a polygraph examination as a prerequisite to filing a pleading or participating in proceedings; and
- Survivors have the right to be heard through survivor impact statements at any proceeding where a right of the survivor is at issue. (§595.201)

This act creates the "Missouri Rights of Victims of Sexual Assault Task Force" to consist of membership as set forth in the act.

The task force shall make certain recommendations as provided in the act. The task force shall collect data regarding sexual assault reporting, arrest, prosecution rates, access to sexual assault victims services, and any other important data, as well as collect feedback from stakeholders, practitioners, and leadership throughout the state and local law enforcement, victim services, forensic science practitioners, and health care communities.

The task force shall submit a report on its findings no later than December 31, 2021. The task force shall expire on December 31, 2021. (§ 595.202)

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

Attorney General's Office
Department of Higher Education and Workforce Development
Department of Health and Senior Services
Department of Mental Health
Department of Labor and Industrial Relations
Department of Public Safety -
 Director's Office
 Missouri State Highway Patrol
 Missouri National Guard
 Missouri Veterans Commission
Department of Social Services
Governor's Office
Joint Committee on Administrative Rules
Missouri Department of Agriculture
Lieutenant Governor's Office
Missouri Office of Prosecution Services
Governor's Office
Office of Administration -
 Commissioner's Office
 Information Technology Services Division/DSS
Office of Secretary of State
Office of State Courts Administrator
Office of Secretary of State
Office of State Public Defender
Office of State Treasurer
Columbia/Boone County Department of Public Health and Human Services
St. Louis County Department of Public Health
Hermann Area District Hospital
State Technical College of Missouri
University of Central Missouri
University of Missouri Health Care
Boone County Sheriff's Department

SOURCES OF INFORMATION (continued)

Ellisville Police Department
Joplin Police Department
St. Louis County Department of Justice Services
St. Louis County Police Department
Springfield Police Department



Julie Morff
Director
April 30, 2020



Ross Strobe
Assistant Director
April 30, 2020