

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2701H.01I
Bill No.: HB 1426
Subject: Professional Registration and Licensing; Health Care
Type: Original
Date: April 20, 2021

Bill Summary: This proposal creates provisions to the licensure of radiologic imaging and radiation therapy personnel.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Missouri Radiologic Imaging and Radiation Therapy	Less than \$869,779	Up to \$817,814	Up to \$813,303
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$869,779	Up to \$817,814	Up to \$813,303

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Missouri Radiologic Imaging and Radiation Therapy	Could exceed 5 FTE	Could exceed 5 FTE	Could exceed 5 FTE
Total Estimated Net Effect on FTE	Could exceed 5 FTE	Could exceed 5 FTE	Could exceed 5 FTE

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

☒ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§192.3020, 192.3025, 192.3030, 192.3035, 192.3040, 192.3045, 192.3050, and 192.3055 – Licensure of radiologic imaging and radiation therapy

Officials from the **Department of Health and Senior Services (DHSS)** provide the following:

Section 192.3025.2 requires the Department of Health and Senior Services (DHSS) to license radiation therapy personnel who meet licensure standards established by the DHSS.

Section 192.3030.1 creates the “Missouri Radiologic Imaging and Radiation Therapy Advisory Committee” to whom the DHSS is to provide administrative support.

Section 192.3030.2 requires the DHSS to establish scopes of practice, promulgate rules for licensure processes and procedures, establish minimum requirements for the issuance of licenses and recognition of licenses issued by other states, establish minimum requirements for continuing education, and determine fees and requirements for new licenses and renewal of licenses.

Section 192.3030.3 requires the DHSS to create alternative licensure requirements for individuals working in rural health clinics and areas of the state that the DHSS deems too remote to contain a sufficient number of qualified persons licensed to perform radiologic imaging or radiation therapy procedures.

Section 192.3030.4 requires the DHSS to collect licensure fees to be deposited into the Missouri Radiologic Imaging and Radiation Therapy Fund and may use these funds as necessary for administration of sections 192.3020 through 192.3055.

Section 192.3030.5 prohibits DHSS from charging a fee for limited x-ray machine operator examinations that is greater than the actual cost to administer the exam.

Section 192.3035 creates the Missouri Radiologic Imaging and Radiation Therapy (MRIRT) Fund.

Section 192.3040 establishes qualifications for licensure.

Section 192.3045 requires the DHSS, in consultation with the Advisory Committee, to establish guidelines for disciplinary action for violations.

Section 192.3055 allows the DHSS to promulgate rules to implement the proposed legislation.

It is assumed that the Division of Regulation and Licensure (DRL), Section for Health Standards and Licensure (HSL) will assume the duties set forth in the proposed legislation. HSL estimates 25,000 individuals will request the various licenses. This will require at a minimum the following positions:

- One (1) Regulatory Compliance Manager (salary \$68,802) will be needed to supervise staff and processes, assist the advisory committee, and take the lead on rule promulgation.
- Two (2) Senior Regulatory Auditors (salary \$44,748) will be needed to conduct audits and investigate complaints. These staff are assumed to be telecommuters and are expected to travel extensively; it is assumed that the travel cost will be \$10,103 annually for all investigative staff.
- Two (2) Program Assistants (\$39,302) will be needed to provide program support for license applications, tracking investigations, and technical assistance.

ITSD assistance would be required to design and create a database system to support the requirements in the proposed legislation.

Revenue

If HSL collects a \$50 fee for each license issued, HSL anticipates an approximate annual revenue of \$1,250,000 (25,000 licenses x \$50 fee) to be deposited in the MRIRT fund for the administration of radiological imaging and radiation therapy licensing. The licensing fee is based on similar license fees charged by neighboring states.

Oversight does not have any information to the contrary and will present the costs for the fiscal note as “Could exceed” the amount presented by the DHSS since DHSS has indicated the minimum FTE needed. Oversight assumes the DHSS intends on licensing all licensees for the first time within the 10 months of FY2022, thereby collecting the entire amount of licensure fees estimated.

Officials from the **Office of Administration (OA) – Information Technology Services Division (ITSD)** did not respond to requests for a statement of fiscal impact.

For fiscal purposes, **Oversight** assumes an unknown cost to the Missouri Radiologic Imaging and Radiation Therapy Fund for OA-ITSD expenses for FY 2022.

Officials from the **Department of Commerce and Insurance** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for that agency.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
MISSOURI RADIOLOGIC IMAGING AND RADIATION THERAPY FUND			
<u>Income – DHSS</u> (\$192.3030) – Licensure fees	\$1,250,000	\$1,250,000	\$1,250,000
<u>Costs – DHSS</u> (§§192.3020 – 192.3055)	Could exceed...	Could exceed...	Could exceed...
Personal service	(\$197,418)	(\$239,271)	(\$241,664)
Fringe benefits	(\$116,379)	(\$140,454)	(\$141,262)
Equipment and expense	(\$66,424)	(\$52,461)	(\$53,771)
<u>Total Costs - DHSS</u>	<u>(Could exceed \$380,221)</u>	<u>(Could exceed \$432,186)</u>	<u>(Could exceed \$436,697)</u>
FTE Change – DHSS	Could exceed 5 FTE	Could exceed 5 FTE	Could exceed 5 FTE
<u>Costs – OA- ITSD/DHSS</u> (§§192.3020 – 192.3055)			
Database development costs	<u>(Unknown)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>Less than \$869,779</u>	<u>Up to \$817,814</u>	<u>Up to \$813,303</u>
Estimated Net FTE Change on the Missouri Radiologic Imaging and Radiation Therapy Fund	Could exceed 5 FTE	Could exceed 5 FTE	Could exceed 5 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

This proposal may impact small business medical offices if they pay licensure fees.
(§§192.3020 – 192.3055)

FISCAL DESCRIPTION

After January 1, 2022, this bill requires a person to be licensed by the Department of Health and Senior Services in order to perform radiologic imaging or radiation therapy procedures on humans for diagnostic or therapeutic purposes. The bill makes exceptions for a licensed dental hygienist or dental assistant; a resident physician attending medical school; and a medical, chiropractic, podiatry, dentistry, radiologic imaging, or radiation therapy student under supervision; a person employed by the United States government when performing radiologic imaging or radiation therapy associated with that employment.

The bill creates the "Missouri Radiologic Imaging and Radiation Therapy Advisory Committee," which shall guide, advise, and make recommendations to the Department in matters relating to radiologic imaging and radiation therapy, as specified in the bill.

The bill empowers the Department, based on recommendations from the Committee, to establish scopes of practice for limited x-ray machine operators, nuclear medicine technologists, nuclear medicine advanced associates, radiation therapists, radiographers, and radiologist assistants. The Department must establish the minimum requirements of licensure and the recognition of licenses issues by other states, as well as the minimum requirements for continuing education and licensure renewal. The Department is also required to determine the licensure and renewal fees and contract for a competency-based examination for the determination of limited x-ray machine operator qualifications for licensure.

The Department must create alternative licensure requirements for retired military personnel and spouses of active-duty military personnel, as well as individuals working in rural health clinics and areas of this state that the Department deems too remote to contain a sufficient number of licensees.

Under the provisions of this bill, a person who has been engaging in the practice of radiologic imaging and radiation therapy, other than a radiologist assistant or nuclear medicine advanced

associate, who does not hold a current certification and registration by a certification organization recognized by the Department can continue to practice in the area in which he or she is currently employed if the person registers with the Department by January 1, 2022; does not change the scope of his or her current practice or place of employment; completes all continuing education requirements for his or her modality biennially; practices only under the supervision of a licensed practitioner; and obtains a license by October 1, 2024.

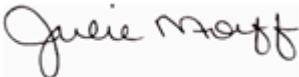
This legislation is not federally mandated and would not duplicate any other program, but may require additional capital improvements or rental space.

SOURCES OF INFORMATION

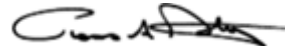
Department of Commerce and Insurance
Department of Health and Senior Services

NOT RESPONDING

Office of Administration – Information Technology



Julie Morff
Director
April 20, 2021



Ross Strobe
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April 20, 2021