

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 6155H.01I  
 Bill No.: HB 3379  
 Subject: Department of Health and Senior Services; Health Care; Elderly  
 Type: Original  
 Date: April 15, 2026

Bill Summary: This proposal modifies provisions relating to abuse or neglect of vulnerable persons.

**FISCAL SUMMARY**

**ESTIMATED NET EFFECT ON GENERAL REVENUE FUND**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue	(\$9,269 to Unknown)	(\$22,691 to Unknown)	(\$23,145 to Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$9,269 to Unknown)</b>	<b>(\$22,691 to Unknown)</b>	<b>(\$23,145 to Unknown)</b>

\*DOC notes that current capacity will be met by July 2029 (FY 2030) or potentially much sooner. Therefore, Oversight has made the decision to reflect the marginal cost of incarceration up to an unknown cost if DOC needs to add staff and/or rehabilitate, expand or construct additional capacity. Oversight assumes the unknown cost has the potential to exceed \$250,000.

**ESTIMATED NET EFFECT ON OTHER STATE FUNDS**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

**ESTIMATED NET EFFECT ON FEDERAL FUNDS**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)**

FUND AFFECTED	FY 2027	FY 2028	FY 2029
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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 2027	FY 2028	FY 2029
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Attorney General's Office** and **Missouri Office of Prosecution Services** did not respond to **Oversight's** request for fiscal impact for this proposal.

#### §192.2256 - Mandatory Reporters; Adult Day Care Operators

Officials from the **Department of Corrections (DOC)** state section 192.2256 is created, stipulating professions that are mandatory reporters of the abuse or neglect of a participant in an adult day care program. Any person who knowingly fails to make a report within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor. Any adult day care operator who knowingly conceals any act of abuse or neglect resulting in death or serious physical injury is guilty of a class E felony.

As misdemeanors fall outside the purview of DOC, there is no impact to DOC for the offense resulting in the class A misdemeanor. The offense resulting in a class E felony would be considered a new crime. As there is little direct data on which to base an estimate, the department estimates an impact comparable to the creation of a new class E felony.

For each new nonviolent class E felony, the department estimates one person could be sentenced to prison and two to probation. The average sentence for a nonviolent class E felony offense is 3.4 years, with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative impact on the department is estimated to be 2 additional offenders in prison and 7 additional offenders on field supervision by FY 2029.

	# to prison	Cost per year	Total Costs for <b>prison</b>	Change in probation & parole officers	Total cost for <b>probation and parole</b>	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$11,123)	(\$9,269)	0	\$0	2	(\$9,269)
Year 2	2	(\$11,123)	(\$22,691)	0	\$0	4	(\$22,691)
Year 3	2	(\$11,123)	(\$23,145)	0	\$0	7	(\$23,145)
Year 4	2	(\$11,123)	(\$23,608)	0	\$0	7	(\$23,608)
Year 5	2	(\$11,123)	(\$24,080)	0	\$0	7	(\$24,080)
Year 6	2	(\$11,123)	(\$24,561)	0	\$0	7	(\$24,561)
Year 7	2	(\$11,123)	(\$25,053)	0	\$0	7	(\$25,053)
Year 8	2	(\$11,123)	(\$25,554)	0	\$0	7	(\$25,554)
Year 9	2	(\$11,123)	(\$26,065)	0	\$0	7	(\$26,065)
Year 10	2	(\$11,123)	(\$26,586)	0	\$0	7	(\$26,586)

The department will assume a marginal cost (multiplied by number of offenders) for any projected increase or decrease in the incarcerated population. Marginal cost is \$30.47 per day or an annual cost of \$11,123 per offender which includes costs such as medical, food, wages and operational E&E. The unknown amount is a result of the uncertainty in the growth of the underlying offender population. The impact of any new legislation combined with the growth of the underlying population could result in the tiered approach below in order to meet the population demands.

1. Fully staffing DOC's current capacity (27,368) which is habitable, but DOC does not have the staffing resources for all bed space.
2. Rehabilitating current space that is not currently habitable and obtaining staffing resources for that space (requires capital improvements).
3. Expanding new capacity by adding housing units or wings to existing prisons and obtaining staffing resources for that space (requires capital improvements).
4. Constructing a new prison and obtaining staffing resources. Based on current construction projects in other Midwest states, the department estimates the cost of constructing a new 1,500-bed maximum security prison at approximately \$825 million to \$900 million plus annual operating costs of approximately \$50 million (requires capital improvements).

The department's population projections indicate current physical capacity will be met by July 2029; however recent trends indicate that capacity could be met much sooner. Should new construction be the result of the increasing offender population, the full cost per day per offender would be used which is \$106.96 or an annual cost of \$39,040. This includes all items in the marginal cost calculation plus fringe, personal service, utilities, etc.

DOC's cost of probation or parole is determined by the number of P&P Officer II positions that are needed to cover its caseload. The DOC average district caseload across the state is 51 offender cases per officer. An increase/decrease of 51 cases would result in a cost/cost avoidance equal to the salary, fringe, and equipment and expenses of one P&P Officer II. Increases/decreases smaller than 51 offender cases are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

\* If this impact statement has changed from statements submitted in previous years, it could be due to an increase/decrease in the number of offenders, a change in the cost per day for institutional offenders, and/or an increase in staff salaries.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's impact for fiscal note purposes.

Officials from the **Office of the State Public Defender (SPD)** state, per the National Public Defense Workload Study, the new charges contemplated by sections 192.2256, 192.2257 and 197.550 would take approximately twenty-two hours of SPD work for reasonably effective representation for each case filed under those sections. If one hundred cases were filed in a fiscal year, representation would result in a need for an additional attorney. Because the number of cases that will be filed under these statutes is unknown, the exact additional number of attorneys necessary is unknown. Each case would also result in unknown increased costs in the need for core staff, travel and litigation expenses. However, if the charges were classified as class D misdemeanors, no jail time would be authorized, and the cases would not qualify for SPD representation.

**Oversight** assumes this proposal will not create the number of new cases required to request additional FTE for the SPD and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

#### Responses Regarding the Proposed Legislation as a Whole

Officials from the **Department of Health and Senior Services (DHSS)** state section 192.2200 of the proposed legislation adds "financial exploitation" to the definition of "abuse," adds definitions for "financial exploitation" and "neglect."

Section 192.2256 of the proposed legislation creates mandates for the reporting of abuse or neglect of an adult day care program participant; establishes criminal penalties for failure to report; outlines procedures for investigating reports of abuse or neglect; and requires certain investigative reports to be confidential.

Section 192.2256.12 of the proposed legislation requires the Department of Health and Senior Services to “maintain the employee disqualification list (EDL) and place on the EDL the names of any persons who are or have been employed in any adult day care program and who have been finally determined by the department under section 192.2490 to have knowingly or recklessly abused or neglected a participant.”

Section 192.2257 of the proposed legislation establishes procedures for reporting of misappropriated property or funds of adult day care program participants; establishes criminal penalties; outlines procedures for investigating reports of misappropriated property or funds; and requires certain investigative reports to be confidential.

Section 192.2257.10 of the proposed legislation requires the Department of Health and Senior Services to “maintain the employee disqualification list (EDL) and place on the EDL the names of any persons who are or have been employed by an adult day care program and who have been finally determined by the department under section 192.2490 to have misappropriated any property or funds of an adult day care program participant and who came to be known to the participant directly or indirectly, while employed by an adult day care program.”

Section 197.550 of the proposed legislation establishes procedures for reporting misappropriation of property or funds for patients of certain medical facilities and entities, including hospitals and home health agencies; establishes criminal penalties; outlines procedures for investigating reports of misappropriated property or funds; and requires certain investigative reports to be confidential.

Section 198.006 of the proposed legislation adds “financial exploitation” to the definition of “abuse” and adds a definition for “financial exploitation.”

Section 198.070 of the proposed legislation adds persons to the list of mandated reporters in current law and requires certain investigative reports to be confidential.

The Department of Health and Senior Services (DHSS), Section for Long Term Care Regulation (SLCR) is currently required to investigate allegations of misappropriation of property and abuse and neglect in long-term care and adult day care settings. The proposed legislation will allow SLCR to recommend individuals found to have abused and neglected adult day care participants for placement on the Employee Disqualification List (EDL). As a result, SLCR will need to update policies and procedures related to EDL recommendations; however, the work can be absorbed utilizing current employees.

In addition, DHSS' Supplemental Health Care Services Agency (SHCSA) program will be required to ensure SHCSAs are conducting abuse, neglect, and financial exploitation trainings and conducting criminal background screenings and EDL checks as outlined, which is part of the program's normal ebb and flow.

Lastly, DHSS' Section for Health Standards and Licensure (HSL) may receive additional complaints for activities at licensed facilities. Any complaints received as a result of the proposed legislation would be conducted within the normal ebb and flow of work scope.

It is assumed that the Department can absorb the costs of this bill with current resources. However, if the workload significantly increased or other legislation was enacted, additional resources would be requested through the appropriation process.

**Oversight** assumes DHSS is provided with core funding to handle a certain amount of activity each year. Oversight assumes DHSS could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DHSS could request funding through the appropriation process. Officials from the DHSS assume the proposal will have no fiscal impact on their organization.

Officials from the **Department of Commerce and Insurance, Department of Labor and Industrial Relations, Department of Mental Health, Department of Public Safety (Division of Fire Safety, Missouri Highway Patrol and Missouri Veterans Commission), Department of Social Services, Office of Administration - Administrative Hearing Commission, Office of the State Courts Administrator, Phelps County Sheriff's Department, Branson Police Department, Kansas City Police Department and St. Louis County Police Department** each assume the proposal will have no 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.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other nursing homes, public administrators, law enforcement agencies, fire protection districts, EMS and hospitals were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
<b>GENERAL REVENUE</b>			
<u>Cost – DOC (\$192.2256) Increased incarceration costs p.3-5</u>	(\$9,269 to <u>Unknown</u> )	(\$22,691 to <u>Unknown</u> )	(\$23,145 to <u>Unknown</u> )
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>(\$9,269 to <u>Unknown</u>)</b>	<b>(\$22,691 to <u>Unknown</u>)</b>	<b>(\$23,145 to <u>Unknown</u>)</b>

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This bill modifies provisions relating to abuse or neglect of vulnerable persons in adult day care programs, facilities licensed under Chapter 197, RSMo, in-home services, nursing facilities, and personal care assistance services.

The bill specifies which individuals must immediately report when they believe with reasonable cause that a participant of an adult day care program has been abused or neglected. The report must contain names, addresses, and information regarding the nature of the abuse. If an individual who is required to report knowingly fails to make a report within a reasonable time, that individual will be guilty of a Class A misdemeanor; any provider who knowingly conceals an act of abuse or neglect that results in death or serious physical injury is guilty of a Class E felony. In addition to those required to report, any other person can make a report to the Department. Any person who abuses or neglects a participant of an adult day care program is subject to criminal prosecution under Section 565.184.

Upon a report’s receipt, the Department must initiate an investigation within 24 hours and notify the participant’s responsible party of the report and investigation and subsequently notify them whether the report was substantiated or unsubstantiated. All reports and investigations must be confidential. Anyone who makes a report, with the exception of the person who has abused or neglected a participant, will be immune from liability unless he or she acts negligently, recklessly, in bad faith, or with malicious purpose. The person making the report will be notified in writing of its receipt and initiation of the investigation within five working days. Any self-reporting of an incident to the central registry by an adult day care program will be investigated in accordance with Department policy, and if the incident results in a regulatory violation, it will be reported as a substantiated report.

The bill also prohibits any authority or director of an adult day care program from harassing, evicting, dismissing, or retaliating against a participant or employee if a report has been filed. This bill requires the Department to maintain an employee disqualification list that contains the names of current employees or individuals who have previously been employed by any adult day care program who have been determined to have knowingly or recklessly abused or neglected a participant.

The bill adds a reporting mechanism when any person has reasonable cause to believe that a misappropriation of a participant's funds or property has occurred. The Department will attempt to obtain relevant names, addresses, and any information pertaining to the nature of the misappropriation. Any program or employee that misappropriates a participant's funds will be guilty of a Class A misdemeanor. Upon a report's receipt, the Department will initiate an investigation in the same manner as a report of abuse or neglect, as specified in the bill.

The bill adds advanced emergency medical technicians, bank personnel, and paramedics to the list of individuals required to immediately report if they have reasonable cause to believe that an in-home services client has been abused or neglected. Reports, including investigation records and any other record or report related to the inclusion of an individual on the employee disqualification list, are confidential.

The bill requires that the director of the Department or the director's designee conduct all hearings by telephone or electronic means unless a person submits a written request for the hearing to be conducted in the county of the person's residence. For facilities licensed under Chapter 197, any person having reasonable cause to believe that a misappropriation of a patient's property or funds has occurred must report the information to the Department. The Department will attempt to obtain relevant names, addresses, and any information pertaining to the nature of the misappropriation. Any facility, provider, or facility employee who puts to his or her own use or the use of the facility or provider, or who otherwise diverts from the patient's use any personal property or funds of the patient, is guilty of a class A misdemeanor. Upon a report's receipt, the Department will initiate an investigation in the same manner as a report of abuse or neglect as specified in the bill.

The bill adds emergency medical technicians and advanced emergency medical technicians, bank personnel, firefighters, first responders, and paramedics to the list of individuals required to immediately report if they have reasonable cause to believe that a resident of a facility has been abused or neglected. Reports, including investigation records, are confidential. The bill adds emergency medical technicians and advanced emergency medical technicians, bank personnel, firefighters, first responders, and paramedics to the list of individuals required to immediately report if they have reasonable cause to believe that a consumer of personal care assistance services has been abused or neglected. Reports, including investigation records, are confidential.

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

#### SOURCES OF INFORMATION

Department of Commerce and Insurance  
Department of Corrections  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Mental Health

L.R. No. 6155H.01I

Bill No. HB 3379

Page **10** of **10**

April 15, 2026

Department of Public Safety –  
Division of Fire Safety  
Missouri Highway Patrol  
Veterans Commission

Department of Social Services  
Office of Administration - Administrative Hearing Commission  
Office of the State Courts Administrator  
Office of the State Public Defender  
Phelps County Sheriff's Department  
Branson Police Department  
Kansas City Police Department  
St. Louis County Police Department



Julie Morff  
Director  
April 15, 2026



Jessica Harris  
Assistant Director  
April 15, 2026