

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3465-02
Bill No.: SB 710
Subject: Licenses - Professional; Nurses
Type: Original
Date: February 13, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
General Revenue	\$0	\$0	\$0
Total Estimated Net Effect on General Revenue Fund*	\$0	\$0	\$0

* Collected penalties and distributions to county treasurers nets to \$0.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Nursing	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on Other State Funds	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	Unknown	Unknown	Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration - Administrative Hearing Commission** and **Department of Corrections** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Department of Health and Senior Services (DOH)** state the proposal would not be expected to fiscally impact the operations of the DOH. If a fiscal impact were to result, funds to support the program would be sought through the appropriations process.

Officials from the **Department of Economic Development - Division of Professional Registration** state it is assumed that since no fund has been established or specified delineating where fines collected would be deposited, that fines would be deposited in the General Revenue Fund.

It is further assumed that should this proposal become effective, additional staff will be needed to assist with retrieval and expungement of records; therefore, there would be an impact to the Nursing Fund. However, the amount is unknown.

Oversight assumes that fines collected are to be paid to county treasurers per Article 1, Section 31 and Article IX, Section 7 of the Missouri Constitution.

ASSUMPTION (continued)

Officials from the **Office of Secretary of State (SOS)** state the fiscal impact for this proposal to the SOS for administrative rules is less than \$1,500. The SOS does not expect additional funding would be required to meet these costs. However, the SOS recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its 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.

This proposal could result in an increase in total state revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
GENERAL REVENUE FUND			
<u>Income - Department of Economic Development</u>			
Fines	Unknown	Unknown	Unknown
<u>Transfer-Out - County Treasurers</u>			
Transfer-out of fines collected for distribution to schools	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND*	<u>\$0*</u>	<u>\$0*</u>	<u>\$0*</u>
NURSING FUND			
<u>Costs - Department of Economic Development</u>			
Costs associated with expungement of records	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON NURSING FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

* Collected penalties and distributions to county treasurers nets to \$0.

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
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**LOCAL GOVERNMENTS -
SCHOOLS**

Income - County Treasurers

Transfer-in of fines collected	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
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**ESTIMATED NET EFFECT ON
LOCAL GOVERNMENTS -
SCHOOLS**

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

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

DESCRIPTION

Under this proposal, if the Administrative Hearing Commission finds merit to a complaint against a licensed nurse, documentation will only appear on file if disciplinary action is taken. If such action is taken, upon final case disposition, the documentation will appear on file as closed with merit and no other action shall be taken. Notification to other licensing boards in other states or national registries can be made only if public disciplinary action is taken due to the complaint.

If the board finds no merit to a complaint and no disciplinary action is taken, the case will be closed without merit and the documentation shall be destroyed within six months of final case disposition.

If no disciplinary action was taken on a complaint filed before August 28, 2006, a licensee may request in writing that all documentation regarding the complaint be destroyed. The board must destroy the documentation, notify any other state board or registry if they have been notified of the complaint, and notify the licensee that it has complied with the licensee's request. Licensees subject to unsubstantiated claims shall not be required to disclose the claim's existence.

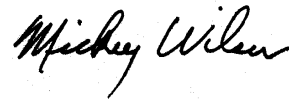
This proposal also allows the board to assess a fine, of up to \$500, if a claim is substantiated. In assessing such a fine the board must weigh factors that establish the gravity of the misconduct.

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

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Office of Administration -
Administrative Hearing Commission
Department of Economic Development -
Division of Professional Registration
Department of Corrections
Department of Health and Senior Services
Office of Secretary of State

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

Mickey Wilson, CPA
Director
February 13, 2006