

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5100-01
Bill No.: SB 1153
Subject: Medicaid; Disabilities; Social Services Dept.; Health Dept.; Health Care; Health, Public; Elderly
Type: Original
Date: April 18, 2006

FISCAL SUMMARY

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

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
State School Moneys*	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds*	\$0	\$0	\$0

* Offsetting savings and losses to State School Moneys Fund in FY 2008 and FY 2009.

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 6 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	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Mental Health** and **Department of Corrections** assume the proposal will have no fiscal impact on their organization.

Officials from the **Department of Social Services (DOS) - Division of Medical Services (DMS)** state the funding for home and community based services was transferred to the Department of Health and Senior Services (DOH) in FY 06. Therefore, the DMS assumes that any fiscal impact related to the above change due to the passage of this legislation would be incurred by the DOH and would be included in their fiscal note. The proposal will have no fiscal impact on the DOS-DMS.

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

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.

ASSUMPTION (continued)

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to the schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Officials from the **Office of Prosecution Services** did not respond to our request for a statement of fiscal impact. However, in response to similar legislation (HB 1767), OPS assumed the proposal would have no fiscal impact on their organizations.

Officials from the **State Public Defender** did not respond to our fiscal note request.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
GENERAL REVENUE FUND			
<u>Savings</u> – Reduced appropriations to State School Moneys Fund	<u>\$0</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>\$0</u>	<u>Unknown</u>	<u>Unknown</u>
STATE SCHOOL MONEYS FUND			
<u>Savings</u> – Reduced distributions to local school districts	\$0	Unknown	Unknown
<u>Losses</u> – Reduced appropriations from General Revenue Fund	<u>\$0</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
POLITICAL SUBDIVISIONS			
<u>Revenues</u> – School Districts			
Income from fines	Unknown	Unknown	Unknown
<u>Losses</u> – School Districts			
Reduced distributions from State School Moneys Fund	\$0	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>Unknown</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

DESCRIPTION

Under this proposal, the necessary statutory changes are made due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services.

This proposal also modifies provisions relating to protections for senior citizens and the disabled receiving care for in-home services, adult day care, or personal care assistance.

This proposal modifies the mandatory reporting provision affecting the senior citizens and the disabled receiving in-home care and adult-day care services to include personal care services. Mandatory reporters must also now immediately report to the Department of Health and Senior Services if there is reasonable cause to believe that a patient has been a victim of misappropriation of property or money belonging to the patient, or that the falsification of any documents verifying service delivery has occurred. (Section 192.2130.2.)

Upon receipt of a report that indicates an imminent danger to the health, safety, or welfare of a patient or substantial probability that death or serious physical injury will result, the department shall initiate an investigation within twenty-four hours. (Section 192.2130.6)

This proposal requires the department to keep the names of individuals submitting abuse, misappropriation, and falsification of document reports confidential unless the complainant agrees to the disclosure of his or her name, the name of the complainant is lawfully subpoenaed,

DESCRIPTION (continued)

the release of a name is required by the Administrative Hearing Commission, or the release of a name is requested by the Department of Social Services for the purpose of licensure under Chapter 210, RSMo. (Section 192.2130.9)

This proposal protects patients and patients' family members from eviction, harassment, or retaliation due to the filing of a report of a violation or suspected violation of the laws or regulations of this proposal. (Section 192.2130.13)

Any person who fails to make the required abuse, neglect or misappropriation of property report shall be guilty of a class A misdemeanor. Any provider who knowingly conceals abuse or neglect that results in the death or serious injury of the patient shall be guilty of a Class D felony. In addition, any provider who willfully and knowingly fails to report known abuse by an employee may be subject to a one thousand dollars per abuse violation administrative penalty by the Department of Health and Senior Services. (Section 192.2153)

This proposal extends the time a person can be listed on the employee disqualification list by one year if he or she is employed in a prohibited position while on the list. (Section 192.2175.14)

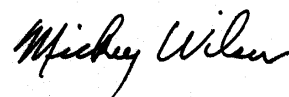
This proposal modifies the provision on providers being guilty of a Class A misdemeanor for knowingly hiring or retaining employees who have been convicted of, found guilty of, or pled guilty to specified crimes to include Class D felony violations of forgery and repeated instances of stealing. (Section 192.2178.6)

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

Department of Social Services
Department of Mental Health
Department of Health and Senior Services
Department of Elementary and Secondary Education
Office of Secretary of State

NOT RESPONDING: Office of Prosecution Services, and Office of State Public Defender



Mickey Wilson, CPA

L.R. No. 5100-01
Bill No. SB 1153
Page 6 of 6
April 18, 2006

Director
April 18, 2006