

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5159-03  
Bill No.: HCS for SB 1124  
Subject: Boards, Commissions, Committees, Councils; Health Care; Health Care  
Professionals; Licenses - Professional  
Type: Original  
Date: April 26, 2006

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
General Revenue	(\$0 to \$505,668)	(\$4,500 to \$611,301)	(\$2,250 to \$609,051)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$0 to \$505,668)</b>	<b>(\$4,500 to \$611,301)</b>	<b>(\$2,250 to \$609,051)</b>

**ESTIMATED NET EFFECT ON OTHER STATE FUNDS**

FUND AFFECTED	FY 2007	FY 2008	FY 2009
Missouri Explosives Safety Act Administration	\$9,860	\$6,204	\$1,951
Athletic	\$0	\$35,390	\$8,650
Private Investigator Examiners Board	\$0	\$197,146	(\$85,799)
Medical Imaging and Radiation Therapy Board of Examiners	\$0	\$818,693	(\$274,444)
Nursing	\$0	(\$190,199)	(\$176,530)
Missouri Real Estate Appraisers	(\$1,120)	(\$16,120)	(\$1,120)
Missouri Real Estate Appraisers Investigation	Unknown	Unknown	Unknown
PR Fees	(Unknown less than \$340,969)	Unknown	Unknown
Other PR	\$0	\$58,066	\$79,407
<b>Total Estimated Net Effect on <u>Other State Funds</u></b>	<b>(Unknown less than \$332,229)</b>	<b>Unknown exceeding \$909,180</b>	<b>(Unknown less than \$447,885)</b>

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 22 pages.

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of State Courts Administrator, Department of Revenue, Missouri Department of Transportation, Department of Labor and Industrial Relations, Office of State Treasurer, Missouri Senate, Department of Public Safety (DPS) - Director's Office** and **DPS - Missouri State Highway Patrol** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of Administration - Administrative Hearing Commission** anticipate that the proposal will not significantly alter its caseload. However, if other similar proposals also pass, there are more cases, or more complex cases, there could be a fiscal impact.

Officials from the **Department of Corrections (DOC)** state the DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitment depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through either incarceration (FY 05 average of \$39.13 per inmate per day or an annual cost of \$14,282 per inmate) or through supervision provided by the Board of Probation and Parole (FY 03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender per year).

ASSUMPTION (continued)

The DOC assumes the narrow scope of the crime will not encompass a large number of offenders. The low felony status of the crime enhances the possibility of plea-bargaining or the imposition of a probation sentence. The probability also exists that offenders would be charged with a similar but more serious offence of that sentences may run concurrent to one another.

Supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Office of Secretary of State (SOS)** state the proposal contains provisions for the licensing of Therapist Assistants, Counselors, Athletic Agents, Massage Therapy, Pharmacists, Board of Nursing, and Private Investigators and blasting regulations for the Department of Public Safety and Nursing Home provisions. These rules would be published in both the Missouri Register and Code of State Regulations. These rules may require as many as 120 pages in the Code of State Regulations and 180 pages in the Missouri Register because of cost statements and fiscal notes, etc. that are not repeated in the Code. The estimated cost of a page in the Missouri Register is \$23. The estimated cost of a page in the Code of State Regulations is \$27. The SOS estimates a total cost of \$7,380 [(180 pgs. X \$23) + (120 pgs. X \$27)]. These costs are estimates and depend on the number of rules printed, rescinded, and amended.

**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 request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **DPS - Division of Fire Safety (FS)** state information was received from the Missouri Limestone Producers indicating there were approximately 300 individuals in the state who would seek licensure at \$100 for the initial registration fee. These individuals would be required to take an exam at a maximum of \$50, and then re-certify every three years at a maximum fee of \$100. It is estimated that in the first year, this process would generate \$45,000.

Additionally, it is estimated there are 204 blasting companies in Missouri who would be required to pay a \$100 initial registration and an annual minimum of \$500. This would generate \$20,400 for registrations and approximately \$102,000 annually to the fund. An average of 60,481 tons of explosives for blasting are used annually. At a fee of \$1.15 per ton, approximately \$69,554 would be generated annually. Cumulatively, the fees for the use of explosives would generate approximately \$171,554 annually (\$102,000 + \$69,554). Total revenues to the new Missouri Explosives Safety Act Administration Fund in the first full year of implementation would be approximately \$216,554 (\$171,554 + \$45,000 registration fees).

ASSUMPTION (continued)

In order to implement and administer this program as intended by the proposed legislation, the DPS-FS would need the following additional personnel: Two (2) FTE Blast Safety Inspectors and one (1) FTE Accountant I. Associated expense and equipment costs, including 2 vehicles, would also be needed for these positions. The DPS-FS estimates personal service and equipment and expense costs of \$180,540 for FY 07; \$165,350 for FY 08; and \$169,603 for FY 09.

Officials from the **Department of Health and Senior Services (DOH)** state that currently there are 1,578 licensed nursing home administrators in Missouri. Approximately 899 of these individuals are working in skilled nursing facilities, intermediate care facilities and residential care facilities II and must remain active. There are an additional 66 licensed administrators who are working in residential care facilities I. That leaves 613 licensees who are not using the license and may choose the inactive status. We estimate that approximately 15% of the 613 licensees (or 92) must maintain an active license due to their position with a nursing home corporation or who work as a consultant. That reduces the total to 521. Of the 521, based on the history of non-renewals, approximately 160 licensees will choose to not renew the license for various reasons such as moving out of state, leaving the profession, etc, and most likely would not choose inactive status. That leaves 361 who are not using the license and may choose the inactive status. Of those remaining 361 licensees, we estimate that approximately half, or 180, will elect the inactive status to avoid continuing education and licensure costs. If 180 licensees elect inactive status, they must pay the \$50 renewal fee for the initial inactive license and will pay only \$25 each following year to renew the inactive license (for up to a maximum of 5 years). The amount of fees collected in FY 2007 would remain the same since the fee is the same for an active license or the initial inactive license (\$50). However, for FY 2008, the decrease (paying \$25 vs. \$50) will be approximately \$4,500 and for FY 2009, the DOH estimates that approximately 90 licensees will elect the inactive status, thereby resulting in a decrease of \$2,250 for that year.

Officials from the **Office of Attorney General (AGO)** assume that, if all professional boards opt to retain private legal counsel pursuant to the authorizing language of Section 620.010.14(9), then no professional board fees will be remitted to the General Revenue Fund. In FY 05, the boards remitted \$606,801 to General Revenue based on the work that attorneys and support staff in the AG's Office provided.

If all boards choose to retain private legal counsel, the AGO assumes that the impact on the General Revenue Fund will be a reduction of \$606,801, assuming the work level remains the same as the FY 05 level.

ASSUMPTION (continued)

With regard to provisions relating to private investigators (Sections 324.1100 et seq.), this proposal creates an additional board and an additional category of licensees within the Division of Professional Registration, which would have investigative and subpoena powers. The AGO assumes it would need 0.5 FTE Assistant Attorney General (AAG) II to assist the Board in the rule-making process, licensing and investigative matters, as well as any litigation that might result from the investigations the board undertakes as authorized by the proposal.

The AGO assumes it would need 0.5 FTE AAG II to represent the Department of Revenue in defending its determinations before the Administrative Hearing Commission (Section 324.013).

The AGO estimates costs of \$63,750 for FY 07; \$68,809 for FY 08; and \$70,588 for FY 09.

Since this proposal would allow for the DED-PR to retain its own legal counsel, **Oversight** assumes the AGO would not need 0.5 FTE AAG II to assist the new board created for private investigators. In addition, **Oversight** determined that the Department of Revenue (DOR) employs its own legal counsel and provides its own representation at Administrative Hearing Commission hearings. As a result, **Oversight** assumes the AGO would not need 0.5 FTE AAG II to defend the DOR before the Administrative Hearing Commission. **Oversight** assumes the AGO would seek additional funding through the appropriations process if the provisions of this proposal, upon enactment, made it necessary.

**Oversight notes** the DED-PR boards may employ legal counsel, hire independent legal counsel, or continue to retain the AGO for legal services. As a result, **Oversight** is ranging the potential decrease in General Revenue Funds from \$0 to a loss of \$606,801 annually. Depending on which method(s) the DED-PR boards use, the PR Fees Fund may have unknown savings on legal counsel expenses.

Officials from the **Department of Economic Development - Division of Professional Registration (DED-PR)** provide the following assumptions related to this proposal:

**Sections 317.001 to 317.019 - Athletes**

It is estimated there would be approximately 30 events per year resulting in additional license and event fee revenue of \$31,250 for FY 08 and \$4,965 for FY 09. Licenses would be biennial. The DED-PR also estimates each event will provide an additional \$700, or \$21,000 annually in tax revenue to the Athletic Fund (Section 317.006.1(3)). The DED-PR assumes license and event fees and the additional tax revenue would not occur until FY 08.

ASSUMPTION (continued)

Each event would need four (4) inspectors (two existing state employees plus two per diem inspectors). The DED-PR estimates \$150 in expenses per state employee (includes meals and lodging) per event and \$100 for each per diem inspector. Mileage for state vehicles is estimated to be \$56 per event.

**Sections 324.1150 to 324.1198 and 621.045 - Private Investigators**

Based on an estimate from an internet search of Occupational Projections by the DED, Missouri Works, Labor Market Information, it is estimated there are approximately 525 individuals in the state of Missouri that will be required to be licensed. The DED-PR estimates a 3% growth rate and assumes licensure begins in FY 08. License fees are estimated to be \$575 initially with renewal fees of \$550. Fee revenue to the Board of Private Investigator Examiners Fund is estimated to be \$301,875 in FY 08. Revenues for FY 09 are estimated to be \$9,200.

The DED-PR assumes all fees collected and all expenses would be deposited into and paid out of the Board of Private Investigator Examiners Fund. The DED-PR notes expenses occurring prior to an appropriation (FY 08) would be borrowed from another fund within Professional Registration, pursuant to section 620.106, RSMo, and paid back in FY 10.

DED-PR assumes implementation of the proposal will require hiring an additional 1.0 FTE in FY 07, as follows: Principal Assistant ( 0.5 FTE at \$59,532) to serve as the senior executive officer of the agency and a Licensure Technician II (0.5 FTE at \$26,292) to provide technical support, process applications for licensure and respond to any inquiries related to the licensure law or rules and regulations. The DED-PR assumes rental space will be needed for these additional FTE at an annual cost of approximately \$5,596.

The DED-PR assumes the five (5) member board would meet at least one (1) time per year for two (2) days per meeting, in Jefferson City. Additional meetings would be convened by conference call. The DED-PR notes the Principal Assistant, one clerical staff, and a representative from the division's legal counsel will also attend the meeting. DED-PR assumes there would be four (4) meetings in FY 07 to promulgate rules and regulations. It is estimated that each board member will receive \$50 per diem for each day conducting board business as well as reimbursement for expenses for each day for which they are conducting board business.

The DED-PR assumes six (6) complaints would be received each year and would require, on average, five hours each to complete. The DED-PR estimates approximately 50% of these complaints (1) will require field investigations, incurring overnight expenses . Travel expenses for the investigation are estimated at \$173 annually. DED-PR assumes complaints and investigations would not start until FY 08.

ASSUMPTION (continued)

The DED-PR further assumes there will be a cost associated with needing the services of the Attorney General's Office (AGO) and the Administrative Hearing Commission (AHC). These services include assistance with board meetings, AGO opinions, promulgation of rules and regulations, interpretation of legislation and litigation costs. The DED-PR assumes a minimal cost will be incurred for services provided to the board by the AHC. The DED-PR estimates AGO and AHC costs at \$4,401 annually.

The DED-PR assumes printing and postage costs will be incurred in the first year for statute and rule mailings and for startup printing of rules, applications, letterhead and envelopes. The DED-PR estimates printing and postage costs at \$6.25 per licensee in the first year, for a total cost of \$3,281. Subsequent years' printing and postage costs are expected to be \$3,163 annually, based on a similarly-sized board.

The DED-PR assumes licensed investigators and private detectives will represent 0.50% of DED-PR's overhead. As such, the board will be required to reimburse the Division and the Department of Economic Development for its share of administrative overhead costs, \$16,064 for FY 08 and \$14,525 for FY 09.

**Oversight** assumes that the 0.5 FTE Principal Assistant and 0.5 FTE Licensure Technician II duties would be absorbed by current staff and therefore, additional equipment and phone line installations would not be necessary. **Oversight** is presenting the salary, fringe benefit, and rent costs of the part-time FTE as they will be an expense charged to the Private Investigator Examiners Board Fund.

**Oversight** has, for fiscal note purposes only, changed the starting salary for the part-time Licensure Technician II to correspond to the first step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research. The DED-PR assumes these costs will begin in FY 07.

**Oversight** notes that the inclusion of rent expense and administrative overhead costs in the total costs to be incurred by the Private Investigator Examiners Board Fund will result in a lower allocation of these expenses to other licensing boards. As a result, **Oversight** has shown a savings to Other Professional Registration (PR) Funds in an amount equal to the expense to the Private Investigator Examiners Board Fund.



ASSUMPTION (continued)

**Sections 334.1000 to 334.1050 - Medical Imaging and Radiation Therapy**

Based on a 2005 estimate of Occupational Projections by the DED, Missouri Works, Labor Market Information, it is estimated there are approximately 5,465 individuals in the state of Missouri that will be required to be licensed. DED-PR assumes a fee of \$205 will be paid for all categories of licensure with biennial renewal and a renewal fee of \$200. DED-PR estimates a 3% growth rate and assumes licensure begins in FY 08 and renewals beginning in FY 10. Revenue to the Medical Imaging and Radiation Therapy Licensure Fund is projected to be \$1,120,325 in FY 08 and \$33,620 in FY 09.

The DED-PR assumes all fees collected and all expenses would be deposited into and paid out of the Medical Imaging and Radiation Therapy Board of Examiners Fund. DED-PR notes expenses occurring prior to an appropriation (FY 08) would be borrowed from another fund within Professional Registration, pursuant to section 620.106, RSMo, and paid back in FY 10.

The DED-PR assumes implementation of the proposal will require hiring an additional 3.0 FTE in FY 07, as follows: Principal Assistant - 1.0 FTE at \$59,532 to serve as the senior executive officer of the agency, an Administrative Office Support Assistant (1.0 FTE at \$28,260) to provide administrative support to the director and assist with board meetings, complaints and discipline, a Licensure Technician II (1.0 FTE at \$26,292) to provide technical support, process applications, and respond to inquiries, and an Investigator II (1.0 FTE at \$39,288) to provide support for the Division's Central Investigative Unit, conduct investigations and inspections, serve notices and gather information as required by the Board. The DED-PR assumes rental space will be needed for these additional FTE at an annual cost of \$8,394.

The DED-PR assumes the seven (7) member board would meet four (4) times per year for two (2) days per meeting, in Jefferson City. The DED-PR notes the Principal Assistant, one clerical staff member and the division's legal counsel will also attend the meeting. The DED-PR assumes there would be four (4) meetings in FY 07 to promulgate rules and regulations. It is estimated that each board member will receive reimbursement for expenses for each day conducting board business. The proposal does not allow members to receive any other compensation.

The DED-PR assumes 170 complaints would be received each year and would require, on average, five hours each to complete. The DED-PR estimates 30% of these complaints (51) will require field investigations and 8 (51 X 30% X 50%) will require an investigator to incur overnight expenses. Travel expenses for the investigations are estimated at \$1,323 annually. The DED-PR assumes complaints and investigations would not start until FY 08.

ASSUMPTION (continued)

The DED-PR assumes there will be a cost associated with needing the services of the Attorney General's Office (AGO) and the Administrative Hearing Commission (AHC). The DED-PR estimates \$48,440 annually for AGO assistance with board meetings, opinions, promulgation of rules and regulations, interpretation of legislation, litigation, etc. The DED-PR estimates AHC costs of \$723, beginning in FY 08. Both costs are based on a board of similar size.

The DED-PR assumes printing and postage costs will be incurred in the first year for statute and rule mailings and for startup printing of rules, applications, letterhead and envelopes. The DED-PR estimates printing and postage costs at \$6.25 per licensee in the first year, for a total cost of \$34,156. Subsequent years' printing and postage costs are expected to be \$14,183 annually, based on a board of similar size.

The DED-PR assumes licensed medical imaging and radiation therapists will represent 0.5% of DED-PR's overhead. As such, the board will be required to reimburse the Division and the Department of Economic Development for its share of administrative overhead costs, \$16,064 for FY 08 and \$48,514 for FY 09.

**Oversight** has, for fiscal note purposes only, changed the starting salary for the Administrative Office Support Assistant, Licensure Technician II, and Investigator II to correspond to the first step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

**Oversight** notes that the inclusion of rent expense and administrative overhead costs in the total costs to be incurred by the Medical Imaging and Radiation Therapy Board of Examiners Fund will result in a lower allocation of these expenses to other licensing boards. As a result, **Oversight** has shows a savings to Other Professional Registration (PR) Funds in an amount equal to the expense to the Medical Imaging and Radiation Therapy Board of Examiners Fund.

**Sections 335.068, 383.130, and 383.133 - Nurse Disciplinary Action and Record Expungement**

Officials assume implementation of these sections of the proposal will require utilizing an additional 2.0 FTE Investigator II in FY 08 (\$39,288 annual salary each) to assist the board in conducting investigations as a result of the increase in complaints received and 2.0 FTE Office Support Assistant - Keyboarding in FY 08 (\$22,272 annual salary each) to provide administrative support in record retrieval and expungement. The DED-PR assumes rental space will be needed for these additional FTE at an annual cost of approximately \$11,528.

ASSUMPTION (continued)

The DED-PR assumes that the board will have to conduct additional committee reference calls to review investigative reports. Each member of the board (9) receives per diem of \$50 for conducting board business. It is assumed there would be at least one (1) additional call each year costing \$450 (9 members X \$50).

The Board of Nursing estimates that there will be approximately 326 additional complaints per year. The Board currently receives 900 complaints per year and 36% of nurses currently licensed are not working at a facility that is a mandated reporter. It is assumed that the additional complaints and investigations would not start until FY 08.

The DED-PR assumes there will be a cost associated with needing the services of the Attorney General's Office (AGO). The DED-PR estimates 25% of the investigations (24) would be forwarded to the AGO for further action. Assuming a \$100 cost per case, DED-PR estimates \$2,400 annually in legal costs to the AGO beginning in FY 08.

The costs provided above do not include any funds for expunging records as the DED-PR can't determine the demand. The DED-PR predicts the demand will increase.

**Oversight** has, for fiscal note purposes only, changed the starting salary for the Investigator II and Office Support Assistant - Keyboarding positions to correspond to the first step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

**Oversight** notes that the inclusion of rent expense in the total costs to be incurred by the Nursing Fund will result in a lower allocation of this expense to other licensing boards. As a result, **Oversight** has shows a savings to Other Professional Registration (PR) Funds in an amount equal to the expense to the Nursing Fund.

**Sections 339.507 to 339.532 - Real Estate Appraisers**

The executive director estimates that 3% (or 75) of current licensees will opt for the inactive license, which costs \$200 rather than the \$400 full license fee during each biennial renewal period. This will result in a reduction of approximately \$15,000 of revenue to the board fund starting in FY 08.

**Oversight** notes in 339.507.5 of the proposal, the per diem for commission members is changed from \$50 to \$70 per day. Based on legislation relating to other professional registration boards, the DED-PR estimates boards generally meet for two (2) days at a time when conducting board

ASSUMPTION (continued)

business. Therefore, **Oversight** assumes the increase in board member per diem will result in an additional cost of \$1,120 to the Missouri Real Estate Appraiser Fund each fiscal year (7 members X 4 board meetings per year X 2 days/meeting X \$20 increase in per diem).

**Oversight** also notes that a respondent licensee may be required to pay the costs of proceedings if the Real Estate Commission is the prevailing party or there is a settlement. Funds are to be deposited in the “Missouri Real Estate Appraisers Investigation Fund” and are to be used for future investigations. **Oversight** assumes the funds collected as a result of the provisions of section 339.509.2 are unknown.

**Sections 620.010 - Legal Counsel**

Currently the division and the boards are being billed on an hourly basis by the Attorney General’s Office. As these services have been recently reduced, some boards have utilized the DED-PR’s in-house counsel or have been able to reallocate existing equipment and expense (E&E) appropriations to fund outside counsel. It is assumed that General Revenue Appropriations will be transferred through a budget decision item to either personal service or E&E if increases are needed.

Officials from the **Office of the Governor, Office of Prosecution Services, and Office of State Public Defender** did not respond to our request for a statement of fiscal impact.

**This proposal will result in an increase in total state revenue.**

<u>FISCAL IMPACT - State Government</u>	FY 2007	FY 2008	FY 2009
	(10 Mo.)		
<b>GENERAL REVENUE FUND</b>			
<u>Loss - Office of Attorney General</u>			
Reduction in fees from Division of Professional Registration Boards	(\$0 to \$505,668)	(\$0 to \$606,801)	(\$0 to \$606,801)
<u>Loss—Department of Health and Senior Services</u>			
Reduction in fees (Sections 344.020 - 344.108)	<u>\$0</u>	<u>(\$4,500)</u>	<u>(\$2,250)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(\$0 to \$505,668)</u></b>	<b><u>(\$4,500 to \$611,301)</u></b>	<b><u>(\$2,250 to \$609,051)</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
<b>MISSOURI EXPLOSIVES SAFETY ACT ADMINISTRATION FUND</b>			
<u>Income - Department of Public Safety</u>			
Registration, testing, and usage fees	\$190,400	\$171,554	\$171,554
<u>Costs - Department of Public Safety</u>			
Personal service costs (3 FTE)	(\$79,947)	(\$98,334)	(\$100,793)
Fringe benefits	(\$35,225)	(\$43,326)	(\$44,409)
Equipment and expense	(\$65,368)	(\$23,690)	(\$24,401)
Total <u>Costs</u> - Department of Public Safety	<u>(\$180,540)</u>	<u>(\$165,350)</u>	<u>(\$169,603)</u>
 <b>ESTIMATED NET EFFECT ON MISSOURI EXPLOSIVES SAFETY ACT ADMINISTRATION FUND</b>			
	<b><u>\$9,860</u></b>	<b><u>\$6,204</u></b>	<b><u>\$1,951</u></b>
 <b>ATHLETIC FUND</b>			
<u>Income - Department of Economic Development</u>			
License fee revenue	\$0	\$31,250	\$4,695
Additional tax revenue	<u>\$0</u>	<u>\$21,000</u>	<u>\$21,000</u>
Total <u>Income</u> - Department of Economic Development	<u>\$0</u>	<u>\$52,250</u>	<u>\$25,695</u>
<u>Costs - Department of Economic Development</u>			
Per diem and expenses	<u>\$0</u>	<u>(\$16,860)</u>	<u>(\$17,045)</u>
 <b>ESTIMATED NET EFFECT ON ATHLETIC FUND</b>			
	<b><u>\$0</u></b>	<b><u>\$35,390</u></b>	<b><u>\$8,650</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
<b>PRIVATE INVESTIGATOR EXAMINERS BOARD FUND</b>			
<u>Transfer-In - DED-PR</u>			
Transfer from PR Fees Fund	\$71,096	\$0	\$0
<u>Income - DED-PR</u>			
Licensure fees/renewals	\$0	\$301,875	\$9,200
<u>Costs - DED-PR</u>			
Personal service (1.0 FTE) and per board member diem costs	(\$37,086)	(\$45,351)	(\$46,435)
Fringe benefits	(\$15,459)	(\$19,100)	(\$19,578)
Expense and equipment	(\$14,150)	(\$14,039)	(\$14,461)
AGO and AHC	(\$4,401)	(\$4,411)	(\$4,411)
Rent and other allocated costs	<u>\$0</u>	<u>(\$21,828)</u>	<u>(\$10,114)</u>
Total <u>Costs - DED-PR</u>	<u>(\$71,096)</u>	<u>(\$104,729)</u>	<u>(\$94,999)</u>
<b>ESTIMATED NET EXPENSE ON PRIVATE INVESTIGATOR EXAMINERS BOARD FUND</b>			
	<b><u>\$0</u></b>	<b><u>\$197,146</u></b>	<b><u>(\$85,799)</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
<b>MEDICAL IMAGING AND RADIATION THERAPY BOARD OF EXAMINERS FUND</b>			
<u>Transfer-In - DED-PR</u>			
Transfer from PR Fees Fund	\$269,873	\$0	\$0
<u>Income - DED-PR</u>			
Licensure Fees/Renewals	\$0	\$1,120,325	\$33,620
<u>Costs - DED-PR</u>			
Personal service (4.0 FTE)	(\$117,906)	(\$146,436)	(\$150,097)
Fringe benefits	(\$51,949)	(\$64,520)	(\$66,133)
Expense and equipment	(\$59,578)	(\$41,513)	(\$42,671)
AGO and AHC	(\$40,440)	(\$49,163)	(\$49,163)
Rent and other allocated costs	<u>\$0</u>	<u>(\$24,710)</u>	<u>(\$57,419)</u>
Total <u>Costs</u> - DED-PR	<u>(\$269,873)</u>	<u>(\$301,632)</u>	<u>(\$308,064)</u>
<b>ESTIMATED NET EFFECT ON MEDICAL IMAGING AND RADIATION THERAPY BOARD OF EXAMINERS FUND</b>			
	<u>\$0</u>	<u>\$818,693</u>	<u>(\$274,444)</u>
<b>NURSING FUND</b>			
<u>Costs - Department of Economic Development</u>			
Personal service (4 FTE) and board member per diem costs	\$0	(\$108,017)	(\$110,707)
Fringe benefits	\$0	(\$47,394)	(\$48,579)
Equipment and expense	\$0	(\$20,860)	(\$2,970)
AGO costs	\$0	(\$2,400)	(\$2,400)
Rent	<u>\$0</u>	<u>(\$11,528)</u>	<u>(\$11,874)</u>
Total <u>Costs</u> - Department of Economic Development	<u>\$0</u>	<u>(\$190,199)</u>	<u>(\$176,530)</u>
<b>ESTIMATED NET EFFECT ON NURSING FUND</b>			
	<u>\$0</u>	<u>(\$190,199)</u>	<u>(\$176,530)</u>

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
<b>MISSOURI REAL ESTATE APPRAISERS FUND</b>			
<u>Costs - Department of Economic Development</u>			
Increase in board member per diem	(\$1,120)	(\$1,120)	(\$1,120)
<u>Loss - Department of Economic Development</u>			
Reduction in licensure fee revenue	<u>\$0</u>	<u>(\$15,000)</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON MISSOURI REAL ESTATE APPRAISERS FUND</b>	<b><u>(\$1,120)</u></b>	<b><u>(\$16,120)</u></b>	<b><u>(\$1,120)</u></b>
<b>MISSOURI REAL ESTATE APPRAISERS INVESTIGATION FUND</b>			
<u>Income - Department of Economic Development</u>			
Reimbursement of costs and settlements	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<b>ESTIMATED NET EFFECT ON MISSOURI REAL ESTATE APPRAISERS INVESTIGATION FUND</b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>



<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
<b>PR FEES FUND</b>			
<u>Savings - Various PR Board Funds</u>			
Reduction in fees paid to the AGO for legal counsel and board work	Unknown	Unknown	Unknown
<u>Transfer-Out - DED-PR</u>			
Transfer to Private Investigator Examiners Board Fund	(\$71,096)	\$0	\$0
Transfer to Medical Imaging and Radiation Therapy Board of Examiners Fund	<u>(\$269,873)</u>	<u>\$0</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON PR FEES FUND</b>	<b><u>(Unknown less than \$340,969)</u></b>	<b><u>Unknown</u></b>	<b><u>Unknown</u></b>
<b>OTHER PR FUNDS</b>			
<u>Savings - Other PR Funds</u>			
Reduction in rent and overhead costs allocated to other licensing boards (Private Investigators)	\$0	\$21,828	\$10,114
Reduction in rent and overhead costs allocated to other licensing boards (Medical Imaging and Radiation Therapy)	\$0	\$24,710	\$57,419
Reduction in rent allocated to other licensing boards (Nurse investigations)	<u>\$0</u>	<u>\$11,528</u>	<u>\$11,874</u>
<b>ESTIMATED NET EFFECT ON OTHER PR FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$58,066</u></b>	<b><u>\$79,407</u></b>
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

### FISCAL IMPACT - Small Business

The proposal will impact small businesses.

### DESCRIPTION

This proposal changes the laws regarding the licensing of certain professions within the Division of Professional Registration and the Department of Public Safety.

#### ATHLETIC CONTESTS (MIXED MARTIAL ARTS)

The proposal requires contestants participating in boxing, kickboxing, wrestling, full-contact karate, or mixed martial arts to sign a bout contract with the event promoter before each contest which specifies their weight, how much they are being paid, and the date and location of the event.

The proposal also defines "mixed martial arts."

#### MASSAGE THERAPY

The Board of Therapeutic Massage is authorized to promulgate rules establishing requirements for granting licenses for applicants from other states who have completed massage therapy programs which are less than 500 hours. Massage therapy businesses are prohibited from employing an unlicensed person for the purpose of performing massage therapy services. The board is required to send copies of all board survey inspections to the business within 30 days of the inspection. The board is allowed to waive or extend the time requirements for completion of continuing education requirements under certain circumstances as determined by the board. Nonresident licensed massage therapists will be exempt from licensure if they are providing services or instruction in conjunction with disaster relief or at special events.

The board is also authorized to contract for legal services.

#### BLASTING

The proposal establishes the Missouri Blasting Safety Act and creates the Missouri State Blasting Board. Persons using explosives in this state must register with the Division of Fire Safety within the Department of Public Safety within 60 days of the effective date of the substitute and file an annual report stating their blasting activities from the previous year.

Certain criteria is established that must be met by applicants prior to the issuance of a license, and the division is authorized to suspend, revoke, or deny licenses. A person whose license has expired for more than three years will be required to take the licensing exam and complete the

## DESCRIPTION (continued)

continuing education requirements prior to being reissued a license. The proposal allows for license reciprocity and provides for certain licensing exemptions. The division is authorized to adopt rules creating a standardized qualification examination, continuing education requirements, and a fee structure.

The Missouri Explosives Safety Act Administration Fund is created to be used by the State Fire Marshal for administration and enforcement costs.

The proposal also requires any person using explosives in this state to notify the division at least two business days in advance before blasting at a new site.

## PRIVATE INVESTIGATORS

The Board of Private Investigator Examiners is established within the division. No person can provide private investigative services without first being licensed. The proposal specifies the membership and duties of the board; exemptions from licensure; requirements for application and licensure; proof of liability insurance; training and written examinations; fees; background checks on applicants; appeal process for the denial, suspension, or revocation of licenses; types and terms of licenses; and the procedure for applicants seeking reciprocity. Licensees are allowed to disclose to the board, any law enforcement agency, a prosecutor, or the licensee's own representative any information regarding a criminal offense or to instruct their clients to do so if they are victims of a criminal act. Licensees are prohibited from making false reports, presenting themselves as a state or federal officer, or manufacturing false evidence. Certain identifying evidence must be filed with the board by licensees. Private investigators or investigator agencies are required to maintain complete records of their business transactions. Records may be confidentially examined by the board under certain circumstances.

## MEDICAL IMAGING

The Medical Imaging and Radiation Therapy Quality Assurance Act of 2006 and the Medical Imaging and Radiation Therapy Board of Examiners within the Division of Professional Registration are established. All persons administering medical imaging and radiation therapy procedures are required to be licensed by the board. Physicians, veterinarians, dentists, chiropractors, podiatrists, registered nurses, and certain qualified persons currently practicing medical imaging and radiation therapy are exempted from licensure. The proposal establishes certain criteria that must be met by applicants for licensure as radiographers, radiation therapists, nuclear medicine technologists, and dental radiographers. The board is authorized to certify programs for medical imaging and radiation therapy in medical facilities, dental facilities, educational institutions, or other public or private institutions. The board is further authorized to

## DESCRIPTION (continued)

adopt rules; give examinations; waive examination requirements; establish continuing education; issue temporary permits; renew, revoke, and suspend licenses; investigate charges and allegations brought against licensees; issue subpoenas; hold hearings; render judgments; and hear appeals.

Beginning August 28, 2009, persons providing the technical component of diagnostic ultrasound services (sonography or vascular technology) are required to be credentialed or practice in an accredited laboratory.

## NURSES

The proposal authorizes the State Board of Nursing to file a complaint with the Administrative Hearing Commission requesting an expedited hearing for a restriction or suspension of a license for certain activities which the board deems to be a danger to the public health and safety. Within 15 days of the receipt of the complaint, the commission will conduct a preliminary hearing to determine whether the activities of the licensee are a danger to the public. The commission will issue a decision immediately after the hearing either granting the board the authority to suspend or restrict a license or dismissing the action.

A hearing before the commission will be granted if the licensee makes a formal request within 30 days of the preliminary hearing. If no request is made, the commission's decision becomes final. If the licensee is found to be in violation of any imposed disciplinary action, the matter will be considered a default case; and the board is authorized to take appropriate action.

The proposal also requires a board of trustees or similarly empowered official of any home health agency, nursing facility, or entity which employs or contracts with licensed health care professionals to take disciplinary action if it finds that a licensee is in violation of the licensing laws for his or her profession. When disciplinary action is taken against a licensee, the entity taking action will report it to the proper health care professional licensing authority.

The proposal adds the Division of Professional Registration to the list of agencies which are authorized to review criminal conviction records for screening purposes.

## REAL ESTATE APPRAISERS

The proposal repeals the requirement that members of the Missouri Real Estate Appraisers Commission be members in good standing of a nationally recognized real estate appraisal organization, repeals the provision regarding the term of office of initial members of the commission, and repeals the provision authorizing the commission to decide the location of future quarterly meetings.

### DESCRIPTION (continued)

The daily per diem for commission members is increased from \$50 to \$70. The commission is authorized to administer oaths and issue and enforce subpoenas. The provision authorizing the commission to waive continuing education requirements for retired or disabled appraisers is repealed.

The proposal authorizes the commission to issue inactive licenses and allows persons to renew expired licenses within a one-year period if evidence of the completion of all continuing education requirements is provided.

### NURSING HOME ADMINISTRATORS

Nursing home administrators are required to pay licensing fees to the Department of Health and Senior Services. Applicants for licensure who have failed the examination administered by the Missouri Board of Nursing Home Administrators three times are prohibited from being licensed unless they have successfully completed the board-prescribed course of instruction and passed the examination. Temporary emergency licenses may be issued to an applicant whose licensing examination results have not been received by the board, and the board may issue probationary licenses. The board is authorized to file complaints with the Administrative Hearing Commission for violations of any provisions of Chapter 198 or rules promulgated by the board. Members of the board must be citizens of the United States and reside in Missouri for at least one year prior to being appointed.

The proposal authorizes the board to establish an inactive license.

### CONTRACT FOR SERVICES

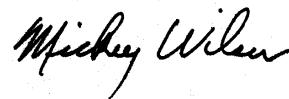
The proposal authorizes the Director of the Division of Professional Registration to retain personnel necessary to render services to the division.

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

Office of Attorney General  
Office of Administration -  
    Administrative Hearing Commission  
Office of State Courts Administrator  
Department of Economic Development -  
    Division of Professional Registration  
Department of Corrections  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Revenue  
Missouri Department of Transportation  
Department of Public Safety -  
    Director's Office  
    Division of Fire Safety  
    Missouri State Highway Patrol  
Missouri Senate  
Office of Secretary of State  
Office of State Treasurer

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



Mickey Wilson, CPA  
Director  
April 26, 2006