

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1352-04
Bill No.: Perfected SS for SCS for SB 496
Subject: Health Care; Health Care Professionals; Health, Public; Physicians; Uniform Laws
Type: Original
Date: April 17, 2007

Bill Summary: Revises the Uniform Anatomical Gift Act.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	(\$940,100)	(\$331,944)	(\$339,171)
Total Estimated Net Effect on General Revenue Fund	(\$940,100)	(\$331,944)	(\$339,171)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Attorney General, Office of Administration - Administrative Hearing Commission, Department of Public Safety - Director's Office (DPS), DPS - Missouri State Highway Patrol, Missouri Department of Conservation, and Office of State Courts Administrator** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Department of Revenue (DOR)** assume the proposal will have no fiscal impact on their organization. **Office of Administration Information Technology Services Division (ITSD)** DOR officials estimate this legislation could be implemented utilizing the existing resources. However, if priorities shift and additional FTE/overtime would be needed, the cost would be approximately \$2,093.

In response to a previous version of this proposal, officials from the **Boone County Sheriff's Department** and **Springfield Police Department** assumed the proposal will have no fiscal impact on their organizations.

In response to a previous version of this proposal, officials from the **Taney County Coroner's Office** stated the proposal would have an unknown fiscal impact on their organization.

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 06 average of \$39.43 per inmate per day or an annual cost of \$14,394 per inmate) or through supervision provided by the Board of Probation and Parole (FY 06 average of \$2.52 per offender, per day or an annual cost of \$920 per offender per year).

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.

ASSUMPTION (continued)

Officials from the **Department of Health and Senior Services (DOH)** state the department currently has an organ donor registry that is modifiable to accommodate the components of the proposed legislation although the DOH may contract for the establishment of a registry. The COA - Information Technology Services Division (ITSD) staff have provided cost estimates to upgrade the current registry to address the various provisions of the proposal.

The DOH sought input from other programs and states that maintain registries to aid in the preparation of this fiscal note. None of the registries and programs contain the same volume of information or have the ability to store and view multiple transactions, stored documents, and amendment capabilities 24/7.

For purposes of this fiscal note, the department is assuming the DOH will continue to maintain an Organ Donor central registry. This will require major revisions to the current registry to implement the various provisions contained in the proposal. The COA-ITSD has identified the following revisions that will need to be made to the registry and has provided cost estimates for this activity. Major revisions include: 1) Adding additional fields and functionality to store information, 2) Upgrading the current on-line enrollment system to provide direct access and update capabilities by citizens and insure that proper security measures are in place to protect their privacy, 3) Changing the reporting/viewing system used by the current organ procurement agency and other authorized agencies, 4) Incorporating an imaging solution in order to scan and/or store the necessary documents, i.e. copies of wills, revocation letters, copies of driver's license, etc., and 5) Upgrading storage capacity.

The COA-ITSD provided the following cost estimates to DOH:

- Programming consultant cost - \$162,000 (one-time cost)
- Imaging solutions consultant cost - \$100,000 (one-time cost)
- Hardware (additional server and related equipment) - \$24,000 (one-time cost)
- Hardware (imaging hardware and related equipment) - \$300,000 (one-time cost)
- Hardware maintenance - \$2,000 (annually)
- Application software licensing (\$12,000 one-time cost) and license renewal (\$1,000 annually)
- Imaging software licensing (\$80,000 one-time cost) and license renewal (\$11,000 annually)
- Personnel service cost - \$94,044 (1.7 FTE - year 1); \$47,703 (0.7 FTE - year 2); and \$31,488 (0.45 FTE - year 3).

ASSUMPTION (continued)

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The DOH will need to provide training at Motor Vehicle contract fee offices on the new requirements in the bill relating to organ donation. The cost is estimated at \$7,300 for the first year, with declining costs each subsequent year. Training will occur in eight regional settings. Costs include room rental, printing of handouts, and expenses for two training staff. This estimate does not include mileage because DOH assumes a state car will be available for each regional training session.

Finally, an extensive educational effort will need to be conducted for at least the first three years to inform the public about all of the changes to the Uniform Anatomical Gift Act, first person consent law changes, revocation of gift(s), and first person consent registry implementation. A variety of outlets will be used. Costs are estimated at between \$300,000 and \$500,000 annually.

For the purposes of the fiscal note, the DOH has used an estimate of \$300,000 per year. After three years, the amount of advertising could be reduced significantly (approximately \$100,000 per year) to promote registry enrollment and public reports.

The DOH estimates FY 08 costs of \$1,034,144; FY 09 costs of \$379,647; and FY 10 costs of \$370,659.

Oversight assumes the information technology personal service portion of this request (0.2 FTE Planner II each year; 1.5 FTE CIT Specialist 1 for FY 08; 0.5 FTE CIT Specialist I for FY 09; and 0.25 FTE CIT Specialist I for FY 10) can be accomplished with existing resources. However, if priorities shift, additional FTE/overtime would be needed to implement the provisions of this proposal and can be requested through the appropriations process.

Officials from the **Office of Prosecution Services** did not respond to our request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2008	FY 2009	FY 2010
	(10 Mo.)		
GENERAL REVENUE FUND			
<u>Costs - Department of Health and Senior Services</u>			
Equipment, expense and consultant costs	<u>(\$940,100)</u>	<u>(\$331,944)</u>	<u>(\$339,171)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$940,100)</u>	<u>(\$331,944)</u>	<u>(\$339,171)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
LOCAL GOVERNMENTS - MEDICAL EXAMINERS			
<u>Costs - Medical Examiners</u> Additional costs associated with working with procurement organizations	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS - MEDICAL EXAMINERS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

The proposal may impact small business funeral homes or directors and other organizations that accept whole-body or willed-body donations.

FISCAL DESCRIPTION

This proposal revises the Uniform Anatomical Gift Act. This proposal facilitates donations by expanding the list of those who may make an anatomical gift for another individual during that individual's lifetime to include healthcare agents and under some circumstances, parents or guardians. Minors at least sixteen years of age are permitted to agree to donate an organ with parental consent noted on a donor card, application, driver's license or other gift document.

This proposal also facilitates donations from a deceased individual who made no lifetime choice by adding to the list of persons who can make a gift of the deceased individual's body or parts.

Numerous default rules for the interpretation of a gift document are added for those documents lacking specificity regarding either the persons to receive the gift or the purpose of the gift or both. This proposal encourages and establishes standards for donor registries. This proposal provides that anatomical gifts made under the laws of other jurisdictions shall be recognized. Allowances are made for electronic records and signatures with respect to gift donations and consent.

This proposal provides for the donation of specific anatomical parts to named persons and more generally to eye banks, tissue banks, and organ procurement organizations. Criminal sanctions are added for falsifying the making, amending, or revoking of an anatomical gift.

FISCAL DESCRIPTION (continued)

In addition, this proposal provides that a coroner or medical examiner shall cooperate with an organ procurement organization to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. A procurement organization includes eye banks and tissue banks.

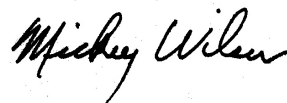
A person who acts without negligence and in good faith under the terms of the act or anatomical gift laws of another state or foreign country is not liable for damages in any civil action or subject to prosecution in any criminal proceedings for his or her act. A party claiming another was negligent shall have the burden of proving the claimed negligence.

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 Corrections
Department of Health and Senior Services
Department of Revenue
Department of Public Safety -
 Director's Office
 Missouri State Highway Patrol
Missouri Department of Conservation
Taney County Coroner
Boone County Sheriff's Department
Springfield Police Department

NOT RESPONDING: Office of Prosecution Services



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