

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3320-07
Bill No.: HCS for SS for SB 817
Subject: Health Care; Health Care Professionals; Health, Public; Physicians
Type: Original
Date: May 7, 2008

Bill Summary: This legislation prohibits health care professionals from billing for anatomic pathology services not personally rendered.

This legislation modifies the charges imposed for copying patient health care records.

This legislation modifies eye care providers.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(\$207,377)	(\$232,771)	(\$236,754)
Total Estimated Net Effect on General Revenue Fund	(\$207,377)	(\$232,771)	(\$236,754)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

*Incomes and costs of \$207,377 in FY09, \$232,771 in FY10 and \$236,754 in FY11 would net to \$0.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
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 2009	FY 2010	FY 2011
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Mental Health, Department of Public Safety, Missouri State Highway Patrol, Missouri Consolidated Health Care Plan** and the **Department of Conservation** each assume the proposal would have no fiscal impact on their respective agencies.

In response to a previous version of this proposal, officials from the **Department of Highways & Transportation** and **Department of Insurance, Financial Institutions & Professional Registration** each assume the proposal would have no fiscal impact on their respective agencies.

Officials from the **Department of Health and Senior Services (DHSS)** state health care providers may charge copy fees for medical records requested by any authorized entity, which would include the Division of Senior and Disability Services (DSDS) in its role as investigator of reports of abuse and/or neglect. The DHSS assumes any costs will be absorbed by existing resources. This legislation is not expected to fiscally impact the operations of DSDS. If a fiscal impact were to result, funds to support the program would be sought through the appropriations process.

Bureau of Special Health Care Needs (BSHCN) is required to treat medically eligible clients. To determine the medical eligibility, BSHCN must obtain copies of medical records and to periodically review clients medical conditions. (19 CSR 40-1.020 Program Eligibility, (C) medically-eligible client). If the provider is not a contracted provider with BSHCN, BSHCN is required to pay for the requested medical records. If a fiscal impact were to result, funds to support the program would be sought through the appropriations process.

Officials from the **Department of Social Services** states (for Section 191.227) based on current estimates of copying costs of \$236,222 per month for medical records, FSD anticipates the copying costs to increase to \$257,706 per month, for an annual increase of \$257,808 ($\$257,706 - \$236,222 = \$21,484 \times 12$ months).

DSS assumes (for Section 191.890) the proposal would have no fiscal impact on their agency. These provisions are already included in federal regulations regarding sanctions for false or fraudulent claims for Title XIX services. Also, the Medicaid Physician's Provider Manual contains policy that anatomical and surgical pathology services must be performed by a physician.

ASSUMPTION (continued)

DSS assumes (for Sections 354.618 & 354.619) the proposal would have an unknown but greater than \$100,000 fiscal impact on their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
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GENERAL REVENUE FUND

<u>Costs - Department of Social Services</u>			
Increase in Copying Costs	(\$107,377)	(\$132,771)	(\$136,754)
Eye Care Provider Costs	<u>(Unknown but Greater than \$100,000)</u>	<u>(Unknown but Greater than \$100,000)</u>	<u>(Unknown but Greater than \$100,000)</u>
<u>Total Costs - DSS</u>	<u>(Unknown but Greater than \$207,377)</u>	<u>(Unknown but Greater than \$232,771)</u>	<u>(Unknown but Greater than \$236,754)</u>

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$207,377)</u>	<u>(\$232,771)</u>	<u>(\$236,754)</u>
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FEDERAL FUNDS

<u>Income - Department of Social Services</u>			
Federal Assistance	\$207,377	\$232,771	\$236,754

<u>Costs - Department of Social Services</u>			
Increase in Copying Costs	(\$107,377)	(\$132,771)	(\$136,754)
Eye Care Provider Costs	<u>(Unknown but Greater than \$100,000)</u>	<u>(Unknown but Greater than \$100,000)</u>	<u>(Unknown but Greater than \$100,000)</u>
<u>Total Costs - DSS</u>	<u>(Unknown but Greater than \$207,377)</u>	<u>(Unknown but Greater than \$232,771)</u>	<u>(Unknown but Greater than \$236,754)</u>

ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Doctor's and medical providers may have an increase in the amount covering their costs.

FISCAL DESCRIPTION

The proposed legislation clarifies that the current fee for copies of medical records is \$19.31 plus 46 cents per page for supplies and labor. The combination of the notary and certification fee, if certification is requested, cannot exceed \$8.

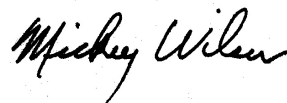
This legislation (Section 191.890) is federally mandated by 13 CSR 70-3.030(3)a(26).

This legislation modifies eye care providers.

This legislation would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Social Services
Missouri Consolidated Health Care Plan
Department of Conservation
Department of Highways and Transportation
Department of Health and Senior Services
Department of Public Safety
Department of Insurance, Financial Institutions & Professional Registration
Department of Mental Health
Missouri State Highway Patrol



L.R. No. 3320-07
Bill No. HCS for SS for SB 817
Page 6 of 6
May 7, 2008

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