

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1051-01
Bill No.: Perfected SB 197
Subject: Health, Public; Health Department
Type: Original
Date: February 13, 2013

Bill Summary: This proposal modifies current provisions relating to tuberculosis treatment and prevention.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Perfected SB 197 with SA #1 and SA #2:

Officials from the **Columbia/Boone County Department of Public Health and Human Services (Department)** state the proposal would have an unknown fiscal impact on their organization. This unknown impact is due to the proposed section 199.290 which could lead to additional cases of tuberculosis being identified, thereby requiring local public health follow-up, disease investigation, case managing, nursing services, etc. Since the department cannot estimate how any additional cases would be identified, it is not possible to estimate the fiscal impact.

Oversight assumes the likelihood of there being a significant number of tuberculosis cases in a particular county to be very low. Therefore, Oversight assumes the proposal would have a minimal fiscal impact on local public health agencies.

Officials from **St. Louis County (County)** provide that the proposal would cost their organization between \$400 and \$800 per year. **Oversight** notes the County did not explain the type of costs to be incurred and assumes the County could absorb these minimal costs.

Officials from the **Department of Corrections (DOC)** state the penalty provisions for violations, the component of the bill to have a potential fiscal impact for DOC, is for a class A misdemeanor. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on 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 supervision provided by the Board of Probation and Prolongation (FY 12 average of \$4.96 per offender, per day, or an annual cost of \$1,810 per offender).

The DOC assumes supervision by the DOC through probation 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 **Department of Mental Health (DMH)** assume that its state operated psychiatric facilities would be inappropriate placements for tuberculosis (TB) commitments and, therefore, would neither contract with the DHSS for such commitments nor be compelled by a

ASSUMPTION (continued)

court to accept such commitments. The DMH assumes DHSS will not refer individuals with TB to a DMH facility. Therefore, the proposal places no obligations or requirements on the DMH that would result in a fiscal impact.

If this assumption is inaccurate, then the costs to the DMH could be significant.

Officials from the **Department of Social Services (DSS) - Division of Youth Services (DYS)** state this proposal is thought to have little impact on DYS. Upon enactment of the proposal, DYS would not anticipate any substantive increase in the number of youth committed to its care.

As DYS presently requires all youth in the Division's care to be tested for tuberculosis as part of the Healthy Children and Youth Screening, enactment of this proposal could have bearing on the manner in which a youth with a positive test is managed, The DYS may have to amend policies and provide training to ensure compliance with the new law. However, DYS would be able to utilize existing personnel to affect the changes at no additional cost to the agency.

Officials from the **DSS - Human Resource Center** state unless the employee or a local health authority informed the agency that the employee had an active tuberculosis case, DSS would not have access to that information. Therefore, there would be no fiscal impact.

Officials from the **DSS - MO HealthNet Division (MHD)** state the requirements of this proposal fall to the Department of Health and Senior Services. The treatments described in the proposal are covered under MHD. Therefore, there would be no fiscal impact to MHD.

Officials from the **DSS - Division of Financial and Administrative Services** state the proposal specifically states that any payment for treatment contracted for by Department of Health and Senior Services (DHSS) would be available only after benefits from all third-party payers have been exhausted. Therefore, there would be no savings to MHD because MHD would have to pay first and DHSS funds would be reserved for non-Medicaid eligibles.

Officials from the **Department of Higher Education (DHE)** state the proposal would have no direct, foreseeable fiscal impact on the DHE. The DHE defers to the individual public colleges and universities for the fiscal impact of the proposal on those institutions.

Officials from the **University of Central Missouri (UCM)** estimate the proposal will have no fiscal impact on their organization as UCM already has targeted testing for incoming students and faculty.

ASSUMPTION (continued)

Officials from the **Office of Administration**, the **Office of State Courts Administrator**, the **Harrison County Health Department**, **Missouri State University**, **Northwest Missouri State University** and **Barton County Memorial Hospital** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Nodaway County Health Center** responded to **Oversight's** fiscal note request but did not provide a statement of fiscal impact.

Due to time constraints, the following agencies did not provide a statement of fiscal impact for the Perfected SB 197, with amendments, and **Oversight** is presenting responses from the previous version of the bill:

Officials from the **Department of Health and Senior Services** assumed the proposal would not fiscally impact their agency.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** stated they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of exposing another to tuberculosis - a new Class D felony, or if a victim contracts tuberculosis from the violator, a new Class C felony.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal particularly since Senate Amendment No. 2 changed the Class D and C felony charges to Class B and Class A misdemeanors.

Officials from the **Office of Prosecution Services (OPS)** assumed the proposal would have no measurable fiscal impact on the OPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

Oversight assumes the potential responsibilities imposed on county prosecutors as a result of this proposal, will be absorbable within current funding and staffing levels.

ASSUMPTION (continued)

Officials from **Linn State Technical College** and **Missouri Southern State** each assumed the proposal would not fiscally impact their respective agencies.

Officials from the **Miller County Health Center** and **Reynolds County Public Health Agency** responded to **Oversight's** fiscal note request but did not provide a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</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.

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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 Administration
Office of State Courts Administrator
Department of Higher Education
Department of Mental Health
Department of Corrections
Department of Health and Senior Services

SOURCES OF INFORMATION (continued)

Department of Social Services -
 Division of Youth Services
 Human Resource Center
 MO HealthNet Division
 Division of Financial and Administrative Services
Office of Prosecution Services
Office of State Public Defender
St. Louis County
Columbia/Boone County Department of Public Health
 and Human Services
Harrison County Health Department
Miller County Health Center
Nodaway County Health Center
Reynolds County Public Health Agency
Linn State Technical College
Metropolitan Community College
Missouri Southern State University
Missouri State University
Northwest Missouri State University
University of Central Missouri
Barton County Memorial Hospital



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