

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1051-01  
Bill No.: Truly Agreed To and Finally Passed SB 197  
Subject: Health, Public; Health Department  
Type: Original  
Date: May 22, 2013

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

**FISCAL SUMMARY**

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

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

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

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</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 FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

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

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 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 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.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** state 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 B misdemeanor, or if a victim contracts tuberculosis from the violator, a new Class A misdemeanor.

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.

ASSUMPTION (continued)

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal as it would appear unlikely, based on other agencies' responses, there would be a significant number of violations.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will 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.

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 youths committed to its care.

As DYS presently requires all youths 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 effect 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.

ASSUMPTION (continued)

Officials from the **Office of Administration - Division of Facilities Management, Design and Construction**, the **Office of State Courts Administrator**, **Linn State Technical College**, **Missouri State University**, **Northwest Missouri State University**, the **University of Central Missouri** and the **University of Missouri** each assume the proposal would not fiscally impact their respective agencies.

<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

Department of Health and Senior Services  
Office of Administration -  
    Division of Facilities Management, Design and Construction  
Office of State Courts Administrator  
Department of Higher Education  
Department of Mental Health  
Department of Corrections  
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  
Linn State Technical College  
Missouri State University  
Northwest Missouri State University  
University of Central Missouri  
University of Missouri



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