

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4010-04  
Bill No.: Perfected SS for SCS for SB 569  
Subject: Attorney General; Crimes and Punishment; Health Care Professionals; Health and Senior Services Department; Law Enforcement Officers and Agencies; Public Safety Department; Victims of Crime  
Type: Original  
Date: March 11, 2020

Bill Summary: This proposal modifies provisions relating to victims of sexual offenses.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue*	(Could exceed \$6,305,755)	(Up to \$2,315,437)	(Up to \$2,297,774)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$6,305,755)</b>	<b>(Up to \$2,315,437)</b>	<b>(Up to \$2,297,774)</b>

\*Program costs are lower in FY 2022 and FY 2023 under the assumption that the Department of Health and Senior Services will receive grants to help fund the Justice for Survivors Telehealth Network program of \$4 million annually.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Justice for Survivors Telehealth Network*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* Transfers-in, grants, gifts and donation and expenses net to \$0.

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 17 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</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 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
General Revenue	1 FTE	1 FTE	1 FTE
Justice for Survivors Telehealth Network	2 FTE	2 FTE	2 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Local Government</b>	<b>(Unknown, greater than \$22,475)</b>	<b>(Unknown, greater than \$20,000)</b>	<b>(Unknown, greater than \$20,000)</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### SA 1 (as amended) - §192.2520 - Telehealth network for forensic exams

Officials from the **Department of Health and Senior Services (DHSS)** state the proposed legislation establishes a statewide telehealth network within the DHSS for forensic examinations of victims of sexual offenses in order to provide access to sexual assault nurse examiners (SANE) or other similarly trained appropriate medical providers. The statewide network would be responsible for providing 24/7 access to a SANE or similarly trained appropriate medical provider to provide mentoring, consultation services, guidance, and technical assistance to appropriate medical providers during and outside of a forensic examination through telehealth services. The statewide network would also develop and conduct both online and in-person training and technical assistance to appropriate medical providers in conducting a forensic examination while using an evidentiary collection kit, proper documentation, transmission and storage of examination evidence, utilizing trauma-informed care to address the needs of victims, using telehealth technology while conducting a live examination, and providing ongoing case consultation and serving as an expert witness in event of a trial.

Based on the level of expertise and technological resources required to develop, implement, maintain and operate this caliber of a statewide network, DHSS will secure a contract with an institution of higher education to provide these services. A request for an estimation of cost to provide such services was made to the Missouri Telehealth Network at the University of Missouri; however, staff were unable to provide an estimate within the time constraints of responding to the fiscal note due to the complexity of the services required. DHSS staff estimate the contractual cost to be \$6 million, using a FY 2019 Competitive Grant Solicitation from the U.S. Department of Justice, Office for Victims of Crime (OVC), "OVC FY 2019 Using Telehealth to Improve Care, Access and Quality of Sexual Assault Forensic Exams" (<https://www.ovc.gov/grants/pdftxt/FY19-Using-Telehealth-SANE-Solicitation.pdf>). The solicitation allows up to \$4 million to establish the network and an additional \$2 million for technical assistance. In 2012, the Massachusetts Department of Public Health was awarded a grant from OVC to develop the National Sexual Assault TeleNursing Center. Based on results of their final program evaluation report (<https://www.ncjrs.gov/pdffiles1/ovc/grants/253059.pdf>) released in June 2019, financial sustainability remained uncertain for the program as it sought support from Massachusetts hospitals and the state.

The proposed language also requires all hospitals licensed under chapter 197 to begin reporting, on October 1, 2021, to the DHSS the number of forensic examinations performed at the hospital, the number of forensic examinations requested by victims but not performed at the hospital with

ASSUMPTION (continued)

the reason why it was not performed, and the number of evidentiary collection kits submitted to a law enforcement agency for testing. After July 1, 2022, hospitals will be required to report the number of appropriate medical providers employed at or contracted with the hospital who utilized the training and telehealth services provided by the network.

Beginning January 1, 2022, and annually thereafter, DHSS will make publicly available a report of the data collected from the hospitals and information from the Department of Public Safety regarding the number of evidentiary collection kits submitted by a person or entity outside of a hospital setting, as well as the number of appropriate medical providers utilizing the training and telehealth services provided by the statewide network.

The proposed legislation would create the "Justice for Survivors Telehealth Network Fund" in the state treasury and allow DHSS to fund the program by appropriations, gifts, grants, and donations made to support the network through this fund. DHSS does not have a current funding source for this program and would require an appropriation to fund the program.

**Oversight** notes provisions at §192.2520.10(1) provide that the funding for the network shall be subject to appropriations. In addition to appropriations from the general assembly, the DHSS shall apply for available grants and be able to accept other gifts, grants, bequests and donations.

**Oversight** does not have any information to the contrary. For fiscal note purposes, Oversight assumes funding for this program will be appropriated with General Revenue funds and transferred to the "Justice for Survivors Telehealth Network Fund" until the DHSS can apply for any available grants. Oversight further assumes DHSS would not be able to submit the grant application in time to procure funds for FY 2021. Oversight will indicate unknown grants, gifts and donations of "Could exceed \$4,000,000 to \$6,000,000" for FY 2022 and FY 2023 assuming DHSS submits a solicitation application to the U.S. Department of Justice, Office for Victims of Crime.

§197.135 - Forensic examinations by hospitals

**DHSS** states the proposed legislation would also allow DHSS to issue annual waivers of the telehealth requirements if the hospital demonstrates to DHSS, in writing, a technological hardship in accessing telehealth services or a lack of access to adequate broadband services sufficient to access telehealth services.

It is noted that reimbursement of costs of the examinations and the provision of the evidentiary collection kits remains under the Department of Public Safety (per §595.220).

ASSUMPTION (continued)

One (1 FTE) Health & Senior Services Manager (\$68,321) would be required to provide oversight and coordination of the statewide telehealth network, and would be responsible for identifying and securing grants to develop and maintain the network, developing and monitoring compliance of rules and regulations, developing and acquiring contracts to operate the network, reviewing requests and issuing telehealth hospital waivers, collecting and reporting data from hospitals and the Department of Public Safety, and producing an annual report.

One (1 FTE) Health Program Representative (HPR) II (\$38,994) would be required to assist the Health and Senior Services Manager in coordinating the statewide telehealth network by performing day-to-day activities such as contract monitoring, invoice processing, grant writing, budget tracking, and data collection and provide support for the training programs offered by the network. The salaries listed for these positions reflect the average annual salary of staff in these positions within the Division of Community and Public Health as of January 1, 2020.

**Oversight** notes DHSS assumes it will need a total of 2 new FTE as a result of the provisions of this proposal. Oversight assumes the new FTE can be housed within current DHSS locations and no additional rental space will be needed. However, if multiple proposals pass during the legislative session requiring additional FTE, cumulatively the effect of all proposals passed may result in the DHSS needing additional rental space.

**Oversight** contacted Department of Public Safety (DPS), Missouri State Highway Patrol (MHP) regarding a potential fiscal impact related to the “reimbursement of costs of the examinations and the provision of the evidentiary collection kits” assumed by the DHSS. DPS, MHP stated the Patrol’s Crime Lab does not anticipate a significant increase in evidentiary collection kit costs. Therefore, Oversight assumes any potential increase in these costs to be absorbable by the DPS, MHP within current funding levels and will present no fiscal impact for fiscal note purposes for this provision.

**DHSS** anticipates an Office of Administration (OA), Information Technology Services Division (ITSD)/DHSS response in addition to the listed expenditures, but at the time of this response, the ITSD impact is still pending.

**Oversight** contacted OA, ITSD/DHSS regarding a fiscal impact for this proposal. OA, ITSD/DHSS officials stated there are no specific IT costs anticipated above those costs related to DHSS’s response for telehealth services.

In response to similar legislation from the current session (SB 951), officials from the **Hermann Area District Hospital (HADH)** anticipated start-up costs would be approximately \$22,475 with the potential of more than \$20,000 in annual on-going costs. Based on historical volume of

ASSUMPTION (continued)

patients seeking a sexual assault forensic examination, **one exam would cost the hospital \$22,475**. If more than one exam was performed, subsequent exam costs would be lower. Equipment costs are estimated to be approximately \$16,325; training for 10 -12 nurses is estimated at \$5,400; and other costs approximately \$750.

**Oversight** does not have any information to the contrary. Oversight notes there are approximately 35 hospitals in the state of Missouri that are state, hospital district, or county/city/community - owned. Assuming 5 hospitals would be required to obtain the necessary equipment and training to perform sexual assault forensic examinations, the costs could be more than \$100,000 to local governments. Therefore, Oversight will present costs to local governments as greater than the \$44,475 for FY 2021 and greater than \$20,000 for subsequent fiscal years.

In response to similar legislation from the current session (SB 951), officials from the **University of Missouri Health Care (UMHC)** stated they have reviewed the proposed legislation and determined that as written it should not create expenses in excess of \$100,000 annually.

**Oversight** notes, based on discussions with UMHC officials, this is the amount that can be absorbed within current resource levels.

**Oversight** notes, in response to similar legislation from the current session (SB 951), the **Columbia/Boone County Department of Public Health and Human Services**, the **St. Louis County Department of Public Health**, **State Technical College of Missouri** and the **University of Central Missouri** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

§§595.201 and 595.202 - Sexual Assault Survivors' Bill of Rights and Missouri Right of Victims of Sexual Assault Task Force

Officials from the **Department of Public Safety (DPS)**, **Office of the Director (DO)** state the DPS is required to hold five meetings per year of the thirteen members as described in the legislation.

Based on administrative support currently provided for similar boards and claims processing, the department would need an additional full-time Processing Technician II at a salary of \$32,647. In addition, it is anticipated there will be costs of the reimbursable expenses incurred by the task force members. It is estimated the thirteen-member task force would incur the following expenses which are based on the meal per diem and CONUS rates for Jefferson City:

ASSUMPTION (continued)

Breakfast and lunch (\$16/day x 5 meetings)	\$1,040
Mileage (Average of 60 miles/person x \$0.43/mile x 5 meetings)	\$1,677
2 Nights Lodging (Jefferson City Conus rate of \$96/night x 5 meetings)	\$12,480
Development, printing, publication and distribution costs x 5 meetings	\$5,000
Staff travel	<u>\$ 500</u>
Total Costs	<u>\$20,697</u>

§595.202.6, the task force shall expire on December 31, 2021.

**Oversight** notes the legislation does not state the number of meetings the Missouri Rights of Victims of Sexual Assault Task Force is required to hold during the year. Oversight assumes DPS has sufficient staff to handle any increase in workload required under the provisions of this proposal. Oversight will assume the 13 members may incur costs of (Up to \$20,697) annually. Oversight will assume this cost will be paid from General Revenue.

Officials from the **DPS, Missouri State Highway Patrol (MHP)** state one FTE can handle approximately 240 cases per year. With more than 600 sexual assault cases per year and thousands in a backlog, the lab will need one extra FTE to handle calls and communications.

In this latest version, "component" is defined as evidence not in the kit. That could be a considerable amount of evidence. The MHP will have to scan all pieces of evidence involved in a sexual assault into a tracking system which will take twice as long as it does now. All of this time is an opportunity cost against current backlogs as it is less time the MHP will have to address the actual evidence, but the MHP can absorb the cost.

The MHP anticipates costs to the General Revenue Fund of \$94,155 for FY 2021; \$104,089 for FY 2022; and \$105,370 for FY 2023.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the costs to the General Revenue Fund as provided by MHP for fiscal note purposes.

Officials from the **State Public Defender's Office (SPD)** state to the extent this bill may cause victims to not want to give interviews to the defense, this could make it more difficult to investigate sex crimes.

In response to similar provisions (SCS SB 812), officials from the **St. Louis County Police Department (SLCPD)** stated although the creation of this database is going to create viable leads in cold case investigations, it is unknown who will investigate the lead when there is an

ASSUMPTION (continued)

anonymous survivor. An expansion of the SLCPD's Cold Case Unit may be required if investigations increase. An increase of one full-time detective, who earns approximately \$47 an hour with benefits would cost approximately \$97,760 annually.

Mentioned several times in the legislation is the survivor's access to a sexual assault advocate or counselor. Although the SLCPD recognizes this is an important service for survivors, the legislation does not address where funding for this will come from. If the SLCPD is required to provide the service, based on population size, one additional advocate and two additional detectives would be necessary. The average detective earns approximately \$47 an hour with benefits. Two detectives would cost at least \$195,520 annually. The advocate would earn approximately \$26.25 an hour with benefits or \$54,600 annually.

Finally, training would be required for all police staff due to the significant changes in sexual assault investigations. The SLCPD currently has approximately 1,100 sworn positions at an average hourly pay of \$46.87. All sworn personnel would be required to attend, at minimum, one hour of training. Training would be a one-time cost of \$51,557. Therefore, the annual cost for the SLCPD would be approximately \$399,437 (\$97,760 + \$195,520 + \$54,600 + \$51,557).

**Oversight** notes the cost for the St. Louis County Police Department; however, Oversight is unable to project a statewide cost for police and sheriff's departments; therefore, the impact to local governments will be presented as \$0 to (Unknown).

**Oversight** notes, in response to similar provisions (SCS SB 812), the **Springfield Police Department** and the **St. Louis County Department of Justice Services** have each stated the proposal would not have a direct fiscal impact on their organizations.

In response to similar provisions (SCS SB 812), officials from the **University of Missouri Health Care** stated the proposed legislation, as written, should not create a negative impact.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§595.220 - Electronic tracking system

Officials from the **DPS, DO** state §595.220.11 provides that the DPS shall develop and retain within the state a central repository for unreported evidentiary collection kits in a temperature controlled environment. These kits shall be kept for 5 years.



ASSUMPTION (continued)

§595.220.8 adds a definition for "component" as any piece of evidence that contains, or may contain, DNA related to the sexual offense for which the forensic examination was performed and that is not stored or maintained within the evidentiary collection kit. Previous versions of the bill only required DPS to maintain evidentiary collection kits, which are small boxes. Requiring DPS to store components, which include large amounts of additional items such as clothing, bedding, bodily fluids or other items that may require either storing on shelves or refrigeration, results in the need for additional storage space and equipment.

DPS-DO worked with the Missouri State Highway Patrol (MHP) to arrive at a potential for 1,000 unreported kits each year that will need to be stored. Current cost for a temperature controlled environment for storage in Jefferson City would be \$5.88/sq. ft. DPS anticipates that 2,500 sq. ft. would be needed for the storage.  $5.88 \times 2,500 = \$14,700$ /year storage costs.

In addition to the storage space, DPS assumes closed in steel shelving (20, 6 shelve units) costing \$7,260; 2 reach-in commercial refrigerators costing \$6,778; and 1 Max cold 49-cu frost free freezer costing \$4,249 will be needed (total cost \$18,287).

This is only an estimated cost. The amount of component items that might need to be stored is unknown.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by DPS as "Could exceed..." for FY 2021. Oversight assumes, for purposes of the fiscal note, additional equipment would be a one-time cost and, therefore, will present only storage costs for FY 2022 and FY 2023.

In response to the previous version of this proposal, officials from the **St. Louis County Police Department (SLCPD)** estimated the proposed bill will have a time impact on the St. Louis County Police Crime Laboratory. Through November 2019, the Crime Lab has received 178 kits. It is estimated, in 2020, there will be approximately 200 kits. The proposed changes would require an hour of processing, at the rate of \$23 per hour per kit. This increase totals \$4,600 annually and \$13,800 over the three years of this fiscal note.

It is important to note that, in addition to costs, there would be an increase in the Crime Lab's backlog due to the requirements proposed in this bill.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect (Unknown) total costs to all Missouri local police departments for fiscal note purposes.

ASSUMPTION (continued)

**Oversight** notes, in response to the previous version of this proposal, **St. Louis County**, the **St. Louis County Department of Justice Services** and the **Springfield Police Department** have each stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

Bill as a whole

**Oversight** notes the **Missouri Office of Prosecution Services** has stated the proposal would not have a measurable fiscal impact on their organization. The creation of additional responsibilities for county prosecutors may result in additional costs which are difficult to determine at the present time. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

**Oversight** assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

**Oversight** notes the **Missouri Attorney General's Office**, the **Department of Higher Education and Workforce Development**, the **Department of Social Services**, the **Office of State Courts Administrator** and the **Office of State Treasurer** have stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

In response to similar legislation from the current session (SB 951), officials from the **Office of Secretary of State (SOS)** stated many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. **The fiscal impact for this fiscal note to SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs.** However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. **Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.**

ASSUMPTION (continued)

**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 require additional resources.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, the SEMO Crime Lab, other hospitals, sheriffs' departments, police departments and colleges and universities were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>GENERAL REVENUE FUND</b>			
<u>Transfer-out - to Justice for Survivors Telehealth Network Fund (§§192.2520 and 197.135) p. 4</u>	(\$6,157,916)	(Up to \$2,175,951)	(Up to \$2,177,704)
<u>Costs - MHP (§§595.201 and 595.202) - Increased number of sexual assault cases p. 7</u>			
Personal Services	(\$38,380)	(\$46,517)	(\$46,982)
Fringe Benefits	(\$34,266)	(\$41,530)	(\$41,946)
Lab Supplies, training, etc.	(\$15,000)	(\$15,375)	(\$15,759)
Equipment and Expense	(\$6,509)	(\$667)	(\$683)
<u>Total Costs - MHP</u>	<u>(\$94,155)</u>	<u>(\$104,089)</u>	<u>(\$105,370)</u>
FTE Change - MHP	1 FTE	1 FTE	1 FTE
<u>Costs - DPS (§§595.201 and 595.202) Expenses of the 13 members of the Missouri Right of Victims of Sexual Assault Task Force p. 6 &amp; 7</u>	(Up to \$20,697)	(Up to \$20,697)	\$0
<u>Costs - DPS (§595.220) - Additional space and equipment for storage of evidence p. 7</u>	<u>(Could exceed \$32,987)</u>	<u>(\$14,700)</u>	<u>(\$14,700)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(Could exceed \$6,305,755)</u></b>	<b><u>(Up to \$2,315,437)</u></b>	<b><u>(Up to \$2,297,774)</u></b>
Estimated Net FTE Change for the General Revenue Fund	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>JUSTICE FOR SURVIVORS TELEHEALTH NETWORK FUND</b>			
<u>Income</u> - Grants, gifts & donations (§192.2520) p. 4	\$0	Could exceed \$4,000,000 to \$6,000,000	Could exceed \$4,000,000 to \$6,000,000
<u>Transfer-in</u> - from General Revenue Fund (§§192.2520 and 197.135) p. 4	\$6,157,916	Up to \$2,175,951	Up to \$2,177,704
<u>Costs</u> - DHSS (§197.135) p. 5			
Personal service	(\$89,429)	(\$108,388)	(\$109,472)
Fringe benefits	(\$48,899)	(\$55,196)	(\$55,556)
Equipment and expense	(\$19,588)	(\$12,367)	(\$12,676)
Contracts	<u>(\$6,000,000)</u>	<u>(\$6,000,000)</u>	<u>(\$6,000,000)</u>
Total <u>Costs</u> - DHSS	<u>(\$6,157,916)</u>	<u>(\$6,175,951)</u>	<u>(\$6,177,704)</u>
FTE Change - DHSS	2 FTE	2 FTE	2 FTE
<b>ESTIMATED NET EFFECT ON THE JUSTICE FOR SURVIVORS TELEHEALTH NETWORK FUND</b>			
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
Estimated Net FTE Effect on the Justice for Survivors Telehealth Network Fund	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>LOCAL GOVERNMENTS</b>			
<u>Costs - Hospitals (§§192.2520 and 197.135) - Telehealth network and forensic examination costs p. 5 &amp; 6</u>	(Greater than \$22,475)	(Greater than \$20,000)	(Greater than \$20,000)
<u>Costs - Police and Sheriff's Departments (§§595.201 and 595.202) - Increased costs for additional staff and training p. 7 &amp; 8</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs - Police Departments (§595.220) - Tracking of evidentiary collection kits p.9</u>	(Unknown)	(Unknown)	(Unknown)
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS</b>	<b><u>(Unknown, greater than \$22,475)</u></b>	<b><u>(Unknown, greater than \$20,000)</u></b>	<b><u>(Unknown, greater than \$20,000)</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

JUSTICE FOR SURVIVORS ACT/TELEHEALTH (§192.2520)

This act establishes the "Justice for Survivors Act" and directs the Department of Health and Senior Services to establish a statewide telehealth network for forensic examinations of victims of sexual offenses by July 1, 2022. A statewide coordinator shall be selected by the director of the Department of Health and Senior Services to oversee the network. The network shall provide mentoring, training, and assistance for medical providers conducting forensic examinations, including training on obtaining informed consent by the victim to evidence collection. The network shall also provide consultation services, guidance, and technical assistance through telehealth services by a Sexual Assault Nurse Examiner (SANE) or other similarly trained appropriate medical providers. The training may be offered in-person and online.

This act creates the "Justice for Survivors Telehealth Network Fund" for any grants, gifts, bequests, or donations accepted by the Department for the development and maintenance of the network and the training offered by the network.

FISCAL DESCRIPTION (continued)

FORENSIC EXAMINATIONS (§197.135)

Additionally, this act requires any licensed hospital, by January 1, 2023, to perform a forensic examination using an evidentiary collection kit upon the request and consent of a victim of a sexual offense fourteen years of age or older or the victim's guardian. Victims under fourteen years of age shall be referred to a SAFE CARE provider; provided, that nothing in this act shall be interpreted to prevent a hospital from performing a forensic examination for a minor under fourteen years of age upon the minor or guardian's request in accordance with state law and regulations.

An appropriate medical provider shall perform the examination and the hospital shall ensure that any provider performing the examination has received training conducting such examinations. If the provider is not a SANE or similarly trained physician or nurse, then the hospital shall utilize telehealth services, such as those provided by the statewide telehealth network, to provide guidance and support through a SANE, or other similarly trained physician or nurse, who shall observe the live examination and communicate with and support the onsite provider. The Department may issue a waiver of the telehealth requirement if the hospital demonstrates a technological hardship in accessing telehealth services or a lack of access to adequate broadband services. Such waivers shall be granted sparingly for no more than one year at a time, subject to renewal at the Department's discretion.

The Department shall waive the requirements of this act for any licensed hospital if the statewide telehealth network ceases operation, the Director of the Department notifies the hospital that the network has ceased operation, and the hospital cannot, in good faith, comply with the requirements of this act without the assistance or resources of the network. Such waiver shall remain in effect until the network resumes operation or until the hospital can comply with the requirements of this act without the assistance or resources of the network.

Current law regarding the reimbursement of such examinations and the provision of evidentiary collection kits shall apply to the forensic examinations under this act.

Finally, each hospital shall, by October 1, 2021, report specified information concerning forensic examinations performed at the hospital to the Department each year and the Department shall in turn make such information publicly available; provided, that such information shall not include any personally identifiable information of any victim or medical provider performing the examination.

FISCAL DESCRIPTION (continued)

SEXUAL ASSAULT SURVIVOR RIGHTS (§595.201.2)

Under this act, certain rights are provided for survivors of sexual assault during any medical evidentiary or physical examination and during any interview by a law enforcement official, prosecuting attorney, or defense attorney. The rights are specified in the provisions of the proposal.

RIGHT OF ACTION (§595.201.3)

Each person, corporation, agency, officer, or employee who has a responsibility to survivors under this act must make reasonable efforts to be informed about these responsibilities. Any failure to make such efforts, or any intentional violation of the rights proscribed in this act, shall be a tortious act.

The Attorney General shall bring an action against any person, corporation, agency, officer, or employee who has failed to make reasonable efforts or intentionally violated any of the provisions under this act in the name and on behalf of an injured party. However, the Attorney General is required to provide notice, before bringing an action, to any person against whom such an action is sought. The person shall have 5 business days to reply in writing with an affirmative defense.

A person, agency, or organization providing services to survivors under this act shall not be liable for civil damages if the person, agency, or organization in good faith cannot comply with the provisions of this act because of lack of resources or funding.

The right of action authorized under this act shall not supercede, alter, or repeal any other law under which the Attorney General is authorized to take any action or conduct any inquiry.

MISSOURI RIGHTS OF VICTIMS OF SEXUAL ASSAULT TASK FORCE (§595.202)

This act creates the "Missouri Rights of Victims of Sexual Assault Task Force" to consist of membership as set forth in the act.

The task force shall make certain recommendations as provided in the act. The task force shall collect data regarding sexual assault reporting, arrest, prosecution rates, access to sexual assault victims services, and any other important data, as well as collect feedback from stakeholders, practitioners, and leadership throughout the state and local law enforcement, victim services, forensic science practitioners, and health care communities.

The task force shall submit a report on its findings no later than December 31, 2021. The task force shall expire on December 31, 2021.

FISCAL DESCRIPTION (continued)

ELECTRONIC TRACKING FOR EVIDENTIARY COLLECTION KITS (§595.220)

This act modifies current law regarding procedures for tracking evidentiary collection kits. Currently, the Attorney General shall establish an electronic tracking system for evidentiary collection kits and their components, including individual specimen containers. This act removes the requirement to track the individual components, while retaining the requirement to track the kits. Additionally, current law requires the Attorney General to permit sexual assault victims or their designees access to the system to monitor the current status of their kits. This act allows such victims to track, obtain reports, and receive updates on the status and location of their kits through a secure web-based or similar system that allows victims or their designees to register to be notified by mail, phone, text, email, or other similar electronic communication of any updates on the status and location of their kits.

Appropriate medical providers, law enforcement agencies, laboratories, court personnel, persons or entities involved in the final disposition or destruction of the kits, and all other entities and persons having custody of the kits shall participate in the tracking system.

The Department of Public Safety, with the advice of the Attorney General and the assistance of the Department of Health and Senior Services, shall develop and retain within the state a central repository for unreported evidentiary collection kits that is temperature-controlled to preserve the integrity of the kits and diminish degradation. Unreported kits shall be retained for 5 years.

This legislation is not federally mandated, would not duplicate any other program but would require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri Attorney General's Office  
Department of Higher Education and Workforce Development  
Department of Health and Senior Services  
Department of Public Safety -  
    Director's Office  
    Missouri State Highway Patrol  
Department of Social Services  
Joint Committee on Administrative Rules  
Missouri Office of Prosecution Services  
Office of Administration -  
    Information Technology Services Division  
Office of State Courts Administrator  
Office of Secretary of State  
Office of State Public Defender

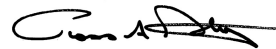


SOURCES OF INFORMATION (continued)

Office of State Treasurer  
St. Louis County  
Columbia/Boone County Department of Public Health and Human Services  
St. Louis County Department of Public Health  
Hermann Area District Hospitals  
St. Louis Department of Justice Services  
St. Louis County Police Department  
Springfield Police Department  
State Technical College of Missouri  
University of Central Missouri  
University of Missouri Health Care



Julie Morff  
Director  
March 11, 2020



Ross Strobe  
Assistant Director  
March 11, 2020